

Gaa Ching Ziibi Daawaa

Little River Band of Ottawa Indians

Election Board Regulations



Last Amended

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CHAPTER 1. GOVERNING PROVISIONS AND DEFINITIONS

Section 1. Governing Provisions.

- A. Authority. The Constitution of the Little River Band of Ottawa Indians, Article IX Elections, Section I (d) and Section 4 (e) authorizes the Election Board to issue such rules regulations and procedures as may be necessary to carry out Tribal Elections and to provide for ongoing Voter registration. Accordingly, the Election Board adopts and issues these Regulations under the authority of the Tribal Constitution.
- B. Purpose. The Election Board adopts and issues these Regulations in order to carry out its responsibilities under the Tribal Constitution and in order to serve the best interests of the Tribe and its members.
- C. Severability. If a court of competent jurisdiction determines that any portion of these Regulations is invalid for any reason, the remainder of these Regulations shall continue to be effect.
- D. Previous Regulations. All Election Board Regulations in effect prior to these Regulations are hereby repealed and replaced by these Regulations.

Section 2. Definitions.

The following terms shall have these definitions wherever they are used in these Regulations.

- A. *"Absentee Voting"* means casting a vote by Mail-In Ballot in lieu of casting a vote by In-Person Ballot.
- B. *"At-Large District"* means the geographic area representing all of the Registered Voters of the Tribe.
- C. *"Ballot"* means the piece of paper issued by the Election Board or its designated representative upon which votes are cast in any Tribal Election. Ballot includes both Mail-In Ballots and In-Person Ballots.
- D. *"Burden of proof"* for purposes of the Regulations, the Burden of Proof is by a preponderance of the evidence.
- E. *"Candidate"* means an individual who is deemed eligible and /or qualified to seek an Elected Office during the course of any Tribal Election.
- F. *"Complaint"* means an Election Challenge, an Election Dispute, a Recount or any other form of contest or grievance related to any Tribal Election.
- G. *"Complainant"* means a Tribal Member who submits a Complaint to the Election Board.
- H. *"Contribution"* means the donation of money, goods and services in support of a Candidate. Contribution does not include volunteer services of a Tribal Member or a non-tribal member in support of a Candidate.
- I. *"Date of Disclosure"* means the deadline set by the Election Board for a given Election by which an individual seeking candidacy or nomination for Tribal Ogema or Tribal Council

shall have taken affirmative act or affirmative acts to Disclose to the Membership a prosecution, conviction or registration.

- J. *"Disclose to the Membership"* means the act by an individual seeking candidacy or nomination for Tribal Ogema or Tribal Council of publishing, in which notify and inform the Tribe's membership as a whole;
1. He or she has any current prosecution pending or has any conviction for a crime involving fraud or misrepresentation; or
 2. He or she has any current prosecution pending or has any conviction within the past 10 years for any crime listed in the Major Crimes Act (U.S. Stat. Vol 23 Chapter 341) (murder, manslaughter, rape, assault with intent to murder, arson, burglary or larceny;
 3. He or she has any current prosecution pending or has any conviction within the past ten (10) years for any felony in any jurisdiction, or for any other offense, the victim of which offense was the Tribe, or any Tribal business, enterprise, department or program;
 4. He or she has any current prosecution pending or has any conviction for any offense related to sexual crimes or criminal sexual conduct where the perpetrator was convicted as an adult at the time the crime was committed; and/or is registration of that individual in any jurisdiction as a sexual offender.
- ***the 10 years runs from the date of your disclosure. Date as established by the Election Board.
- K. *"Election Challenge"* means a challenge to the results or outcome of an Election. An Election Challenge is decided by the Election Board under authority of the Tribal Constitution.
- L. *"Election Day"* means the date on which ballots are cast and counted in any Tribal Election.
- M. *"Election Dispute"* means a dispute relating to the Election process. An Election Dispute is decided by the Election Board under authority of the Tribal Constitution.
- N. *"Elected Official"* means any of the following: a member of Tribal Council, the Tribal Ogema, a member of the Tribal Court, or a member of the Election Board.
- O. *"Eligible Voter"* means any Tribal Member who is at least eighteen (18) years old shall be eligible to vote in given Tribal Election.
- P. *"Hearing"* means a recorded proceeding over which the Election Board presides to make findings of fact and law and to issue a Proposed Decision relating to Election Challenges and Election Disputes.
- Q. *"Impropriety"* means willful conduct or behavior which violates the ethical standards set forth for Members of the Election Board under these Regulations and which affects the outcome of a Tribal Election. "Impropriety" does not include disagreements with decisions of the Election Board.

- R. *"Initiative"* means the process by which a Tribal Member may petition for creation of a Tribal ordinance or for repeal or amendment of an existing Tribal ordinance.
- S. *"In-Person Ballot"* means a ballot cast by a Registered Voter in person at a designated polling place at a Regular Election.
- T. *"Mail-In Ballot"* means a ballot mailed by a Resister Voter to the Election Board.
- U. *"Mailing address"* is the current mailing address of a Tribal Member on file in the Enrollment Department Data Base.
- V. *"Nine-County District"* means the area consisting of Kent County, Lake County, Manistee County, Mason County, Muskegon County, Newaygo County, Oceana County, Ottawa County and Wexford County, in the State of Michigan.
- W. *"Outlying District"* means the geographic area representing Registered Voters residing outside of the Nine-County District.
- X. *"Physical Address"* means the current address at which a Tribal Member resides and is on file in the Enrollment Department Data Base.
- Y. *"Post"* means the act of placing, whether by the Election Board or its designated representative, information related to the Election Board and Tribal Elections at designated locations, including but not limited to the Little River Band Community Center (Aki), Little River Band Government Building, Little River Band Health Center, Election Board office door, Little River Casino Resort, Little River Band Muskegon Satellite Office, Tribal Justice Center, the Tribal Natural Resources Building, and Food Distributions Center.
- AA. *"Primary Election"* means the process by which Registered Voters can indicate their preference for a Candidate in an upcoming Regular Election thus narrowing the field of Candidates.
- BB. *"Recall"* means the process by which a Registered Voter may petition the recall and removal from office of the Tribal Ogema, any member of Tribal Council, a Tribal Judge or Appellate Justice.
- CC. *"Recount"* means the process by which the Election Board verifies the vote count in an Election by counting the ballots a second time.
- DD. *"Referendum"* means the process by which Tribal Council refers questions relating to a proposed or existing Tribal ordinance to Tribal Members.
- EE. *"Registered Voter"* means an Eligible Voter who is certified as a Registered Voter by the Board and who may vote in Tribal Election.
- FF. *"Regular Election"* means an Election held during the month of April, every two years in odd number years.
- GG. *"Rejected Ballot"* means: an unofficial ballot with more than one ballot placed into a Secrecy Envelope; more than one ballot placed into an Official Election Ballot Envelope; a ballot returned in an envelope other than the Official Election Ballot Envelope.

- HH. *"Run-off Election"* means the process by which Registered Voters vote for one Candidate following a Special Election or a Regular Election in the event of a tie in votes between two or more Candidates.
- II. *"Secrecy Envelope"* means the envelope labeled Secrecy Envelope and submitted to Registered Voters for Tribal Elections.
- JJ. *"Secretarial Election"* means a federal Election conducted by the Secretary of the Interior for federally recognized Tribe under a federal statute or tribal governing document (25 C.F.R. Part 81).
- KK. *"Special Election"* means an Election used for filling a vacancy in an Elected Office, due to a removal or recalling an Elected Official, death, resignation, voting on initiatives, referendums or ties.
- LL. *"Spoiled Ballot"* means a paper ballot that is invalid because the person voting has not clearly identified the intention of their vote.
- MM. *"Tribe"* means the Little River Band of Ottawa Indians.
- NN. *"Tribal"* means a member of the Little River Band of Ottawa Indians.
- OO. *"Tribal Constitution"* means the Little River Band of Ottawa Indians Tribal Constitution.
- PP. *"Tribal Election"* means Primary Elections, Regular Elections, Special Elections, Run-off Elections, Recalls, Referendums and Initiatives. Tribal Elections does not include Secretarial Elections.
- QQ. *"Tribal Member"* means an individual who is duly enrolled as a member of the Little River Band of Ottawa Indians.
- RR. *"Withdrawal"* means the process by which a Candidate or a winning Candidate voluntarily withdraws during or following a Primary Election, Regular Election or a Special Election.

Section 3. Computation of Time.

- A. Election Challenge. For purposes of submitting a timely Election Challenge, the Date of Election is not included. The Tribal members has five (5) business days to file an Election Challenge.
- B. Election Dispute. For purposes of submitting a timely Election Dispute, the period of time runs from the date that the Tribal Member had actual or constructive knowledge of the act or event giving rise to the dispute. The date that the Tribal Member had actual or constructive knowledge of the act or event giving rise to the dispute is not included. The last day of the period is included unless it is a Saturday, a Sunday or a holiday recognized by the Tribe; in that event the period runs until the next business day. (The purpose is not to discourage Election disputes, but to encourage timely filings of disputes).

- C. Date of Filing. An Election Challenge or an Election Dispute is deemed submitted on the date it is postmarked or the date on which it is received and date-stamped by the Election Board, whichever is later.
- D. Burden of Proof. In the event a question arises as to the date an Election Dispute or an Election Challenge was submitted, the Tribal Member submitting the Election Dispute or Election Challenge shall have the burden of proof as to its timely submission.

CHAPTER 2. AUTOMATIC VOTER REGISTRATION

Section 1. Eligible Voter.

- A. "An Eligible Voter" means any Tribal Member who is at least eighteen (18) years old, and who is registered to vote on the date of any given Tribal Election shall be eligible to vote in that Tribal Election.

Section 2. Automatic Voter Registration by Enrollment Department.

- A. Eligible Voters shall automatically be registered to vote by the Enrollment Department. For purposes of this Section, an Eligible Voter becomes a Registered Voter upon designation as such by the Election Board. The Physical address (where you live at) on file tells the Election Board which voting district you are eligible to vote in.

Section 3. Registered Voter Responsibility.

- A. It shall be the responsible of each Registered Voter to maintain with the Enrollment Department current name, mailing and physical address information for voting purposes.
- B. Voter Disqualification. If you do not vote for two (2) consecutive Elections, you will be disqualified to vote. (You will lose your right to vote). To be reinstated as a Voter you will have to sign up with a new Voters form that will need to be notarized.

CHAPTER 3. MEMBERSHIP MEETINGS

Section 1. Verification of Registered Voters.

- A. Date of Verification. All verification of Registered Voters shall take place on the date of the scheduled Regular Membership Meeting.
- B. Verification Process. The Tribal Enrollment Department shall provide to the Election Board a prepared final list of all Registered Tribal Voters prior to the date of the scheduled Regular Membership Meeting.
- C. Ability to Vote. To be able to vote on any potential Tribal business conducted at the Regular Membership Meeting, a Tribal Member must be eighteen (18) years or older on the date of the membership meeting.
- D. Tribal Identification Card Required. A Tribal Member must have a current Tribal Identification Card which contains electronically verifiable information;
 - 1. Tribal Identification Card. Available from the Enrollment Department, in the event a Tribal Member does not have a current Tribal Identification Card, a Tribal Member must obtain a Tribal Identification Card from the Enrollment Department, and may be required to pay a replacement card fee.

Section 2. Process for Verification of Registered Voters in Attendance.

- A. Count to Confirm Registered Voters Present. In order to assure that an accurate count of the number of Registered Voters are present within the meeting room where the Regular Membership Meeting is to take place, the Election Board shall identify each Registered Voter and keep an accurate tally by requiring the electronic swiping of the Tribal Identification Card upon entering and exiting the meeting room, it is necessary to determine that a quorum count is accurate.
- B. Entry and Exiting the meeting room shall be limited to assure that an accurate tally of Registered Voters can be maintained.
- C. The Tribal Ogema shall establish a time for the quorum count from the Election Board, at that time, if there is 30% of Registered Voters in attendance, the general membership may propose and act upon Ordinance's or Motion's. If there is not 30% of Register Voters in attendance then the Elections Board's business is concluded.

Section 3. Certification of Registered Voters in Attendance.

- A. Determination of Registered Voters Present. The Election Board shall review the number of Registered Voters confirmed as present at the Membership Meeting at the time of the request, the Tribal Government IT Department will present to the Election Board through use of the electronically generated report of Registered Voters present.
1. The Chairperson of the Election Board, or Election Board Members shall complete a written certification with three (3) originals, of the count. The Election Board may rely upon information from the Enrollment Department Report.
 2. The certification shall include:
 - a. The total number of Tribal Registered Voters provide by the Enrollment Department.
 - b. The total number or Registered Voters constitutionally required thirty percent (30%) to be in attendance to act upon a Motion and/or Ordinance put before the Membership at the meeting.
 - c. The total number of verified Registered Voters in attendance at the time of the quorum count called by the Tribal Ogema.
 - d. The Election Board votes on the motion confirming the count of Registered Voters in attendance at the time of the quorum count.
 - e. The Election Board Member present for the vote on the motion shall sign three (3) original certifications.
 3. The certifications shall be distributed as follows:
 - a. The original of the certification shall be provided to the Tribal Ogema for Membership Meeting purposes.
 - b. The original shall be provided to the Tribal Enrollment Coordinator for Tribal Records.
 - c. One original shall be kept and filed by the Election Board.
 4. If the certification shows a total count of less than 30% of the Tribes Registered Voters in attendance at the Regular Membership Meeting at the time of the quorum count, the Election Board's business shall be concluded.
 5. If there is a verified count of at least thirty percent (30%) of the Tribe's Registered Voters in attendance at the time of quorum count, then a quorum of the Election Board shall remain until the close of Tribal business to conduct any voting procedures on matters brought forward for action by the Membership.
- B. Persons Removed from the Meeting. If a Registered Voter is removed from the meeting for any reason but permitted to remain on the property, he or she will still be counted towards a quorum if he or she chooses to remain present on the property in an area designated for this purpose by the Election Board.

Section 4. Secret Ballot Voting.

- A. Voting Procedures. A quorum of the Election Board shall conduct secret ballot voting procedures and shall establish polls if a Motion or Ordinance question is developed

in the course of Tribal business during the Regular Membership Meeting.

1. At least one (1) Tribal Police Officer shall be present throughout the voting, counting, and tally processes. An Officer(s) shall remain until the count and tally of the ballots is completed, certified, and announced.
2. The Election Board shall issue ballots only if the Election Board certifies that at least thirty percent (30%) of Tribal Member Registered Voters are in attendance at the General Membership Meeting, and a Motion or Ordinance question is brought to vote at the meeting.
3. The Election Board shall arrange to have two (2) portable voting booths brought into the meeting room and shall establish them as polls.
4. The Election Board shall have a ballot box brought into the meeting room and placed in as close proximity to the two (2) polls as possible.
 - a. With the assistance of a Tribal Police Officer, an Election Board Member shall open the ballot box and confirm, before the membership present that the box is empty before the starting of voting.
 - b. The ballot box thereafter shall be locked.
5. The Election Board shall have available for viewing the final language of the Motion or Ordinance question near the established polls/voting booth.
6. Only one Motion or Ordinance question shall be brought to a vote at a time.
 - a. Each Motion or Ordinance question shall require a separate vote.
 - b. The purpose for limiting actions to a single question at one time is to avoid confusion among the Membership as to what issue is before the Membership for consideration.
7. Prepared ballots for voting shall be brought into the meeting room.
8. An Election Board Member shall hand-number each ballot to be issued.
9. According to our traditional ways, Tribal Elders and Tribal handicapped Voters shall be given priority to vote first.
10. An Election Board Member shall issue ballots to verified Registered Voter upon swiping their Tribal Identification Card.
 - a. The Election Board Member issuing the ballots shall verify that the Voter is confirmed to be present on the attendance report for the Membership Meeting. The Election Board Member then shall issue a ballot to the Voter.
11. The Election Board Members may help Voters in entering or exiting the voting booths or in placing finished ballots in the ballot box.

B. Ballots and Voting.

1. The ballot shall read YES or NO with associated check boxes next to each answer.
2. To vote, the Voter must fill in the box or place an "X" in the box immediately to the right of the Voter's choice. The following examples of improper voting will cause a ballot to be rejected by the Election Board for noncompliance. The examples listed are not intended to be exclusive.
 - a. A Voter that circles a checkbox,
 - b. Any marks inside the checkbox other than an "x" or a checked mark.
 - c. Double voting more than one (1) checked box marked
3. Each Registered Voter present shall be entitled to cast one vote for each Motion

or Ordinance question put to a vote. Any Registered Voter who was removed from the meeting but chooses to remain on the property in the designated area will be given the opportunity to vote on each Motion or Ordinance question from that area, using procedures the Election Board determines suitable based on the circumstances at that time.

4. A Voter may request a replacement or a new ballot by returning a spoiled ballot to an Election Board Member.
 - a. Spoiled ballots shall be placed in a separate envelope marked. "Spoiled".
 - b. The Election Board shall mark a new ballot as "Replacement".
5. After a Voter has marked their ballot, the Voter shall place the ballot in the ballot box.
6. When the voting is completed, the Election Board shall announce the close of the voting process and shall proceed to count and tally the votes.
7. The tally sheet shall contain the final language of the motion or ordinance.

C. Counting and tallying the votes. The Election Board shall move the ballot box into the meeting room to permit public viewing of the ballot and vote count.

1. The Election Board shall have a tally sheet with separate columns noting Yes, No, Rejected or Spoiled.
2. A Tribal Police Officer shall unlock the ballot box, and the Election Board shall remove and assemble the ballots.
3. An Election Board Member shall call out the vote and hold ballot in view of Voters and two (2) of the Election Board Members will be writing on the tally sheet.
4. Each spoiled ballot shall be announced to the membership and an entry made into the SPOILED BALLOT column on the tally sheet.
5. Any ballot that is removed from the ballot box, and that has more than one (1) box marked, or any other defect, as confirmed by a majority vote of the Election Board Members present, shall be deemed a rejected ballot.
 - a. Any ballot deemed rejected shall be announced to membership as a rejected ballot, with an explanation as to the reasons for the rejection, and a notation entered under the REJECTED BALLOT column on the tally sheet.
 - b. Rejected ballots shall be placed in a separate envelope marked "Rejected."
6. When the counting of the votes is completed, two (2) Election Board Members independently shall tally the votes in view of the membership in attendance.
 - a. The tally of the two (2) Election Board Members must agree.
 - b. If the tally does not agree, the Election Board Members shall recount the votes until there is agreement on the tally.
7. An Election Board member shall announce the final result.

Section 5. Certification of Results.

- A. Completed tally. When the tally is completed, the Election Board shall take a vote to confirm the final tally of the vote.
 - 1. An Election Board Member shall make an 8-1/2 x 11" paper count and tally sheet and shall certify that the paper tally is a true and correct copy of the tally.
 - 2. The Election Board Members who are present shall sign the count and tally sheet.
- B. Written certification. Within five (5) business days of the General Membership Meeting, the Election Board shall provide to the Tribal Ogema and to the Tribal Council Speaker a written certification of the final vote tally on each Motion or Ordinance.
- C. Contents of certification. The Board's certification shall contain the following:
 - 1. The total number of registered Voters for the Tribe;
 - 2. The total number of registered Voters required for 30%;
 - 3. The total number registered Voters attending the Membership Meeting;
 - 4. The total number of registered Voters casting ballots for the motion or ordinance question;
 - 5. The wording of the motion or ordinance as voted on;
 - 6. The total number YES votes;
 - 7. The total number NO votes;
 - 8. The vote of the Election Board;
 - 9. The signatures of Election Board members in attendance;

Section 6. Security and Destruction of Membership Meeting Materials from Election.

- A. Process completion. Upon completion of the ballot tabulation and count process, the Election Board shall seal all ballots, verification receipts, papers, and tally sheets in a Ballot Box, and the Ballot Box shall be locked in a secured area at the Tribal Police Department.
 - 1. The sealed Ballot Box shall be opened only in the presence of a quorum of the Election Board.
 - 2. The ballots and envelopes shall be destroyed after forty (40) business days, providing no challenges exist for this Membership Meeting, or after the Election Board certifies the Final Report of Election results, whichever is longer, and only upon Resolution by the Election Board.

CHAPTER 4. ELIGIBILITY TO RUN FOR ELECTED OFFICE

Section 1. Eligibility to Run for Elected Office.

Tribal Ogema

A Tribal Member must meet the following qualifications to be a Candidate or nominee for Ogema or to retain his or her seat as Ogema.

- A. He or she must be at least twenty-five (25) years of age or older and a resident of the State of Michigan for at least six (6) months prior to the date of the next scheduled Election.
- B. He or she must disclose to the Membership of any of the following apply:
 - 1. He or she has any current prosecution pending or has any conviction for a crime involving fraud or misrepresentation; or
 - 2. He or she has any current prosecution pending or has any conviction within the last ten (10) years for any crime listed in the Major Crimes Act. (U.S. Stat. Vol 23, Chapter 341) (murder, manslaughter, rape, assault with intent to murder, arson, burglary, or larceny); or
 - 3. He or she has any current prosecution pending or has any conviction within the last ten (10) years for any felony in any jurisdiction, or for any other offense, the victim of which offense was the Tribe or any Tribal business, enterprise, department or program; or
 - 4. He or she has any current prosecution pending or has any conviction for any offense related to sexual crimes or criminal sexual conduct where the perpetrator was convicted as an adult at the time the crime was committed; or is registered in any jurisdiction's list of sexual offender.
- C. Upon Election he or she must establish a permanent physical residence that allows the Ogema to be available within the Nine-County District described in subsection 2(b) (1) of Article IV within sixty (60) days of his or her swearing in ceremony.
- D. All Candidates for Tribal Ogema must also consent to and pay a fee for a criminal background check conducted by the Election Board and dating back ten (10) years from the Date of Disclosure.

Tribal Council

A Tribal Member must meet the following qualifications to be a Candidate or nominee for Tribal Council or to retain his or her seat as Tribal Council.

- A. He or she must be at least twenty-one (21) years of age or older and a resident of the State of Michigan for at least six (6) months prior to the date of the next scheduled Election.
- B. He or she must disclose to the Membership if any of the following apply:

1. He or she has any current prosecution pending or has any conviction for a crime involving fraud or misrepresentation; or
 2. He or she has any current prosecution pending or has any conviction within the last ten (10) years for any crime listed in the Major Crimes Act. (U.S. Stat. Vol 23, Chapter 341) (murder, manslaughter, rape assault with intent to murder, arson, burglary, or larceny); or
 3. He or she has any current prosecution pending or has any conviction within the last ten (10) years for any felony in any jurisdiction, or for any other offense, the victim of which offense was the Tribe or any Tribal business, enterprise, department or program; or
 4. He or she has any current prosecution pending or has any conviction for any offense related to sexual crimes or criminal sexual conduct where the perpetrator was convicted as an adult at the time the crime was committed, or is registered in any jurisdiction's list of sexual offender.
- C. All Candidates for Tribal Council must also consent to and pay a fee for a criminal background check conducted by the Election Board and dating back ten (10) years from the Date of Disclosure.

Tribal Court

A Tribal Member must meet the following qualifications to be a Candidate or nominee for Tribal Court or to retain his or her seat as Tribal Judiciary.

- A. Member of the Tribe. Any member of the Tribe may serve as a Tribal Judge provided he/she is twenty-five (25) years of age or older, is not a member of the Tribal Council or the Ogema; or running for a seat on the Tribal Council or for the Office of the Ogema and has not been convicted of any crime of dishonesty, or moral turpitude, or been convicted of a felony under Tribal or State law within the ten (10) year period immediately preceding the date of the Election, or in the event of a vacancy under Article X Section 4 (a), his/ her appointment.
- B. Non-members Qualifications. A non-member of the Tribe may be appointed to or elected to serve as a Tribal Judge is such individual possesses a Law Degree and has practiced in Federal Indian Law or as a Tribal judge, and has not been convicted of any crime involving dishonesty, moral turpitude, or been convicted of a felony under Federal, Tribal or State Law within the ten (10) year period immediately preceding the date of the Election or in the event of a vacancy under Article X, Section 4 (a), his /her appointment.
- C. Additional eligibility requirements for Tribal Court of Appeals. Requirements for the composition of the Tribal Court of Appeals under Article VI Section 3(b) of the Tribal Constitution (The Tribal Court of Appeals shall consist of three (3) judges. One (1) shall be an Elder (age 55 years of older) in the tribe, one (1) shall be an attorney licensed to practice before the courts of a state in the United States) the flowing additional eligibility criteria for Candidates to the Tribal Court of Appeals shall apply in particular Elections.
 1. If there is no Tribal Elder among the judges of the Tribal Court of Appeals who, at the time of an Election for a Tribal Court of Appeals seat, are currently holding

- office and not required to run for re-Election to continue holding office, any Candidate for Tribal Court of Appeals during that Election must be a Tribal Elder.
2. If there is no licensed attorney among the judges of the Tribal Court of Appeals who, at the time of Election for a Tribal Court of Appeals seat, are currently holding office and not required to run for re- Election to continue holding office, any Candidate for Tribal Court of Appeals during that Election must be a licensed attorney.
 3. If one member of the Court of Appeals is both a Tribal Elder and a licensed attorney, then another member must also be either a Tribal Elder or a licensed attorney. One person cannot meet both compositional requirements at the same time. However, being in both an elder and a licensed attorney would certainly not disqualify a person from being elected to, or serve on, the Tribal Court of Appeals in that situation.
- D. All Candidates for Tribal Court must also consent to and pay a fee for a criminal background check conducted by the Election Board and dating back ten (10) years from the Date of Disclosure.

Election Board

Election Board Members who do not hold Elected Office, except for the office of Election Board, and are not running for any other office, shall be eligible to run and serve as an Election Board Member. Election Board Members who choose to run for a different Elected Office must resign from the Election Board prior to filing their Declaration of Candidacy Packet.

Section 2. Prohibition against Running for Two (2) Offices.

- A. **Was amended on 9-27-2018 to delete this section,**
Any Elected Official who holds an elected office shall not be eligible to run for another elected office.
- B. **Was amended on 10-3-2018 to add this section.**
No Tribal Member may be a candidate for more than one elected office in any election.

Section 3. Declaration of Candidacy.

- A. Declaration of Candidacy Packet. A Tribal Member or an individual running for Elected Office must file a completed Declaration of Candidacy Packet provided by the Election Board. The Official Declaration of Candidacy Packet may be obtained during the Election Board scheduled office hours.
- B. Mailing address. All correspondence relating to any Declaration of Candidacy Packet information shall be sent to the Tribal Member at his or her mailing address as provided in the Enrollment Department database.
- C. Deadline for filing Declaration of Candidacy Packet. The deadline for filing a Declaration of Candidacy Packet for a Specific Election shall be set by the Election Board in its written announcement of that particular Regular or Special Election.

- D. Contents of the Declaration of Candidacy Packet shall include, but not limited to:
1. The name of the Tribal Member or Individual as it will appear on the Official Ballot.
 2. A sworn statement by the Candidate certifying that he or she meets the qualifications set forth in this Chapter.
 3. Has read and understand these Regulations.
 4. Has made the Disclosure required by Tribal Constitution.
 - a. Disclosure to the membership means the act by an individual seeking Candidacy or nomination for the Tribal Ogema or Tribal Council of publishing to inform the Tribe's membership of the following;
 - b. He or she has any current prosecution pending or has any conviction for a crime involving fraud or misrepresentation; or
 - c. He or she has any current prosecution pending or has any conviction within the past ten (10) years for any crime listed in the Major Crimes Act (U.S. Stat. Vol.23,Chapter 341) (murder, manslaughter, rape, assault with intent to murder, arson, burglary or larceny); or
 - d. He or she has any current prosecution pending or has any conviction within the past ten (10) years for any felony in any jurisdiction, or for any other offense, the victim of which offense was the Tribe, or any Tribal business, enterprise, department or program; or
 - e. He or she has any current prosecution pending or has any conviction for any offense related to sexual crimes or criminal sexual conduct where the perpetrator was convicted as an adult at the time the crime was committed, or is registered in any jurisdiction's list of sexual offenders.
 5. Acknowledges that he or she may be removed as a Candidate or prosecuted for fraud or Election fraud (or both) in the event his or her Declaration of Candidacy or Disclosures contain a false statement.
 6. Understands that if he or she violates the Campaign Finance Rules that he or she can be removed from the Ballot, prohibited from being sworn in and or prosecuted for fraud or Election fraud (or both).
 7. Understands that if he or she fails to turn in a campaign finance report by the cut-off date, that he or she can be prohibited from running for office in future Elections; and
 8. For Candidates for Tribal Ogema, Tribal Council, and Tribal Court that the Candidate consents to a background check and to providing all information necessary for that background check, including social security number.
- E. Driver's License and Verification of Contact Information. Tribal members and individuals shall provide a copy of his or her current driver's license to verify his or her physical address and shall provide current additional contact information including mailing address, contact number, home phone number (if applicable). A Tribal Member shall provide proof of their mailing address that is the same as the Enrollment Department database.

- F. Photographs and Biography. If the Tribal Member or individual wishes to have their photograph and biography included in any Election Board or other Tribal Government sponsored informational materials concerning the Election, the he or she must include the photograph and biography in their Candidate packet.
- G. Public record. With the exception of social security numbers required for criminal background checks, a Declaration of Candidacy Packet shall be a matter of Tribal record, and shall be kept on file with the Election Board, for four years.

Section 4. Receipt of Declaration of Candidacy Packet.

- A. The Election Board, shall date stamp all Declaration of Candidacy Packet upon receipt.

Section 5. Background Checks.

- A. Background Checks Mandated by Tribal Constitution. To fulfill requirements of the Tribal Constitution, the Election Board shall have background checks conducted of all Tribal Members and individuals seeking candidacy for Tribal Ogema, Tribal Council, and the Tribal Court.
- B. Purpose of Background Checks. The purpose of the background checks shall be to determine whether required Disclosures to the Membership have been made by Tribal Members seeking candidacy or nomination to the office of Tribal Ogema or Tribal Council; and to make determinations necessary to a finding of the eligibility of Tribal Members or individuals running for a seat on the Tribal Court. Another purpose of the background checks shall be to confirm that Tribal Members seeking candidacy or nomination for Tribal Ogema and Tribal Court meet the Michigan residency requirement.
- C. Fee for Background Checks. The Election Board shall charge a fee for the background check that shall be no greater than the direct, outside cost(s) of the vendor(s) or data source(s) providing the background check. The amount of the fee shall be stated in the Declaration of Candidacy Packet. Payment of the fee shall be required at the time Tribal Member or individual submits their completed Declaration of Candidacy Packet. A Packet is not deemed complete for purposes of certification of Candidates unless such fee is paid as provided above.
- D. Privacy of Social Security Numbers. Candidates submitting a Declaration of Candidacy Packet shall be required to provide their social security number for the background check on a separate form included in the Declaration of Candidacy Packet. The form shall not be retained by the Election Board and the separate form shall be destroyed once the Election and any subsequent challenges, including any Tribal Court proceedings related to such challenges, are completed.
- E. Penalty for False Statements. If the background check indicates that any Candidate for Tribal Council or Ogema submitted false information in the disclosures required by Article IV, Section 2(b) or Article V, Section 3(b) of the Tribal Constitution, then in addition to referring the matter to the Tribal Prosecutor, the Election Board shall not certify that Tribal Member or individual as a Candidate appearing on the ballot for that Election.

Section 6. Disclosure.

- A. "Disclose to the Membership" means the act by an individual seeking candidacy or nomination for Tribal Ogema or Tribal Council of publishing, notify and inform the Tribe's membership.
1. He or she has any current prosecution pending or has any conviction for a crime involving fraud or misrepresentation; or
 2. He or she has any current prosecution pending or has any conviction within the past 10 years for any crime listed in the Major Crimes Act (U.S. Stat. Vol 23 Chapter 341) (murder, manslaughter, rape, assault with intent to murder, arson, burglary or larceny;
 3. He or she has any current prosecution pending or has any conviction within the past ten (10) years for any felony in any jurisdiction, or for any other offense, the victim of which offense was the Tribe, or any Tribal business, enterprise, department or program;
 4. He or she has any current prosecution pending or has any conviction for any offense related to sexual crimes or criminal sexual conduct where the perpetrator was convicted as an adult at the time the crime was committed; or is registration of that individual in any jurisdiction as a sexual offender.

***the 10 years runs from the date of your disclosure. Date established by the Election Board.

Section 7. Certification of Candidates.

- A. Timing of Certification. Within forty (40) business days of the close of the Declaration of Candidacy period, the Election Board will certify the slate of Candidates for the Election. The Election Board will promptly post the names of Candidates after certifying the slate.
- B. Verified Candidates. Only the names of verified, declared Candidates meeting all necessary qualifications for the elected office they seek will appear on the Election Ballots. No write-in Candidates will be allowed.
- C. Unopposed Candidates. In the event that only one (1) Candidate files for an elected office position, he or she will be placed on the ballot as an unopposed Candidate.
- D. Withdrawal by Candidate. Must be in written notice in order that ballots can be prepared in a timely manner, a Candidate who withdraws from the Election must withdraw no later than five (5) business days after the slate of Candidates is certified.
- E. Authority of Election Board. All Candidates for office shall be subject to the jurisdiction of the Election Board and these regulations, including but not limited to the Election Board's jurisdiction over Election disputes, Election challenges, and investigations. All Candidates for office shall be required to cooperate fully with Election Board investigations.

CHAPTER 5. CONDUCTING ELECTIONS

Section 1. Timing of Elections.

- A. Primary Election. Trigger for Primary Election during a Regular Election. A Primary Election shall take place only during a Regular Election.
 - 1. For Tribal Ogema: A primary shall be held if the Election Board verifies there are more than two (2) Candidates for the office of Tribal Ogema. If there are only two (2) verified Candidates they will proceed to the Regular Election.
 - 2. For all other offices: If the Election Board verifies more than three Candidates for any open seat, then a primary shall be held. Primary Election applies only to a Regular Election.
- B. Regular Elections. There shall be a Regular Election every two (2) years on the last Friday of April, unless otherwise scheduled by the Election Board.
- C. Special Elections. Special Elections shall be called by the Election Board, when appropriate or when required under the Constitution, to remove, recall, and fill vacancies of elected officials, and to submit initiatives and referendums to the Tribal Membership.

Section 2. Announcement of Elections.

- A. Announcement of a Regular Election. The Election Board will prepare and post an announcement of a Regular Election at least 240 business days before Election Day.
- B. Announcement of a Special Election. The Election Board will prepare and Post an announcement of a Special Election after receiving written notification that such an Election must be held within 30 calendar days, no later than 90 calendar days.
- C. Contents of Election Announcement. An Election announcement will include;
 - 1. The date of the Election,
 - 2. The offices or vacancies to be elected,
 - 3. The location of any polling place for voting in person if applicable, and the hours the polling place or places will be open,
 - 4. The time limits and deadlines set for each stage of the Election process,
 - 5. Any other information the Election Board, in its discretion, believes to be pertinent to an Election.

Section 3. Voting Districts.

The following Tribal Members are eligible to vote for Candidates for the following Tribal Council seats.

- A. Nine-County District Voters. Voters in the Nine-County District will be able to cast one vote for each Tribal Council vacancy in the Nine County District; one vote for the At- Large vacancy on Tribal Council, one vote for the Tribal Ogema vacancy, one vote for each vacancy on the Tribal Court and one vote for each vacancy on the Election Board.

- B. Outlying District Voters. Voters in the Outlying District will be able to cast one vote for each Tribal Council vacancy in the Outlying District; one vote for the At-Large vacancy on Tribal Council, one vote for the Tribal Ogema vacancy, one vote for each vacancy on the Tribal Court; and one vote for each vacancy on the Election Board.
- C. At Large District Voters. All eligible Voters can vote for one At Large Candidate.

Section 4. Ballots.

- A. Voting by Mail or In-Person. For a Primary Election and Special Elections, the Election Board shall provide for voting by Mail-In Ballots, only. For a Regular Election, the Election Board shall provide voting by Mail-In Ballot or In-Person Ballot. The Election Board will mail Ballots to the Registered Voter's mailing address in the Enrollment Department's database.
- B. Prevention of Duplicate Voting. The Election Board will use bar codes or other appropriate technology recommended, after consultation with the Election services contractor, to prevent a Registered Voter from voting twice in the same Election.
- C. Completing Ballot. Each Registered Voter shall complete his or her Ballot by carefully following the instructions enclosed with the Ballot. A Voter may not select more Candidates for any office than that which is allowed as shown under the title of each office. In the event a Voter selects more Candidates for an office which is allowed, such votes will not be counted for that office.

Section 5. Voting by Mail.

- A. Polls. For purposes of voting by mail, the homes of Registered Voters shall be considered polling places.
- B. Timing of Mail-In Ballots.
 - 1. Mailing of Ballots. Ballots shall be mailed to all Registered Voters on a date to be determined by the Election Board, but no later than fifteen (15) business days before Election Day for any given Election. It is the responsibility of the Registered Voter to notify the Election Board of lost or missing Ballots and, subject to approval by the Election Board, to obtain replacement ballots.
 - 2. Receiving ballots. In order for a Registered Voter's votes to be counted in a given Election, completed Mail-In Ballots must be received by the Election Board, at its mailing address, before noon on Election Day. It is the responsibility of the Registered Voter to verify that his or her ballot is mailed in a timely fashion to meet the established voting deadlines.
- C. Completing Mail-In Ballot. With regard to an Election, a Registered Voter shall receive by mail an envelope labeled "Official Election Envelope," an envelope labeled "Secrecy Envelope," one Mail-In Ballot, and instructions for completing the ballot. Upon completing the ballot, the Voter shall take the following steps to complete the voting process for Mail-In Ballots:
 - 1. Please mark your choice(s) clearly for the Candidate of your choosing.
 - 2. Fold the ballot, place the ballot in the envelope labeled "Secrecy Envelope"

and then close and seal the envelope.

3. Place the "Secrecy Envelope" in the "Official Election Ballot Envelope", close and seal the "Official Election Ballot Envelope", and mail the envelope to the Election Board.

- D. Replacement Ballots for Good Cause. A Registered Voter may upon a showing of good cause, request a replacement ballot. The Voter must notify the Election Board of his or her need for a replacement ballot not less than ten (10) business days before the Election Day. The Election Board may, in its discretion and based upon good cause shown, issue a replacement ballot to the Voter. The Election Board shall keep a running list of Registered Voters to whom replacement ballots are issued and use appropriate technology to prevent a Registered Voter from voting twice in the same Election.

Section 6. Voting in Person.

- A. Time and Place. For purposes of Regular Elections, In-Person Ballots shall be cast on Election Day at a polling place(s) designated by the Election Board. The Election Board shall establish the hours during which the polling place(s) will be open.
- B. Election Board Supervision. At least two (2) members of the Election Board shall be present at the polling place(s) where In-Person Ballots are cast.
- C. Sign-in. The Election Board shall have a list of Registered Voters at the polling place(s). A Registered Voter wishing to cast an In-Person Ballot shall sign his or her name on a sign-in sheet and an Election Board Member shall verify that the individual's name appears on the list of Registered Voters. Upon request by an Election Board Member, a Registered Voter wishing to cast an In-Person Ballot shall present his or her Tribal Identification Card to the Election Board Member.
- D. Voting. After signing in, each Registered Voter will be issued an In-Person Ballot. The Voter may request and receive assistance with completing an In-Person Ballot from an Election Board Member. A Voter may only use the pens made available and provided by the Election services contractor to complete his or her ballot. The Voter's ballot will be fed through the automated ballot tabulator as soon as the Voter completes the ballot. In the event that the automated ballot tabulator rejects the ballot, the Election Board shall issue a new ballot to the Voter as outlined in sub-section (e), below. The Election Board shall use appropriate technology to prevent a Registered Voter from voting twice in the same Election.
- E. Mistakes on Ballots. If a Registered Voter accidentally makes a mistake or mutilates his or her ballot, the Election Board may issue a new ballot to the Voter. The Election Board shall keep a running list of Registered Voters to whom new ballots are issued. The old ballot will be treated as a Spoiled Ballot under Section 7(c) of this Chapter. If a Registered Voter brings a Mail-In Ballot received by him or her to a polling place for purposes of voting in person, the Election Board will issue an In-Person Ballot to the Voter and the Mail-In Ballot shall be collected by the Election Board and will be treated as a Spoiled Ballot.

- F. Location of In-Person Voting. The Election Board will provide screening or other methods to provide privacy for Registered Voters while casting In-Person Ballots. In the event In-Person Ballots are being cast at the same time that Mail-In Ballots are being processed or counted, the activities shall be physically separated.

Section 7. Counting Mail-In Ballots.

- A. Pickup of Mail-In Ballot Box. An Election Board Member and an Officer of the Little River Band of Ottawa Indians Police Department shall meet at 12:00 noon at a designated Tribal Building on Election Day to retrieve Mail-In Ballots from the post office and transport them to a ballot-counting location designated by the Election Board. Ballots shall be secured and locked in a ballot box by the Officer and delivered to the designated polling place.
- B. Opening the Ballot Box. The Little River Police Officer will unlock the ballot box. Before counting the mail-in ballots, it will be divided into four (4) categories with the help of the Election Board contractor.
1. Any mail other than ballot envelopes that was placed in the ballot box by the Post Office.
 2. The Election Board separate's the ballot between nine county, Outlying and At large if acceptable.
 3. Official Election Ballot Envelopes that have been noted by the Post Office as undeliverable;
 4. Envelopes that contain ballots that are not in the Official Ballot Envelope.
- C. Public Observation of Counting Ballots. For purposes of counting Mail-In Ballots, the Election Board shall be located in an area that can be viewed by the public. The Election Board may, but is not required to, videotape or stream the ballot counting and tabulating. No other person may videotape or stream the ballot counting and tabulating. The ballot tabulating and counting procedures shall be witnessed by a Little River Band of Ottawa Indians Police Officer, who shall remain until the count of ballots is completed, certified, and announced. Any person causing a disturbance, for any reason, shall be removed from the viewing of the Election process. The determination of whether a person is causing a disturbance shall be at the sole discretion of the Election Board.
- D. Review of contents of Official Election Ballot Envelopes. The purpose of the review shall be to determine if the returned envelopes contain more than one Secrecy envelope or ballot.
1. The representative of the Election services contractor shall open the Official Election Ballot Envelope with the automatic letter opener. Ballot envelopes that cannot be opened automatically will be manually opened by Election Board members.
 2. Election Board members shall remove the Secrecy Envelope from the Official Election Ballot Envelope.
 3. Election Board members shall determine if more than one Secrecy envelope has been placed in each Official Election Ballot Envelope. If more than one Secrecy

Envelope is enclosed, the Official Election Ballot Envelope and the enclosed Secrecy Envelopes shall be rejected.

4. If a ballot is in the Official Election Ballot Envelope but not in a Secrecy envelope, the Voter's right to secrecy in the s Election of Candidates will be considered to be waived, but the Election Board will not reject the ballot. The Election Board will take steps it determines to be prudent to attempt to protect the secrecy of that Voter's s Election of Candidates.

E. Review of Contents of Secrecy Envelopes.

1. The representative of the Election services contractor shall open the Secrecy Envelope with the automatic letter opener. Secrecy envelopes not opened automatically shall be manually opened by the Election Board.
2. If more than one ballot is enclosed, all ballots in that Secrecy Envelope shall be rejected.

F. Rejected Ballots. The Election Board shall place all rejected ballots into a separate envelope marked "Rejected Ballots," and shall seal the envelope. The Election Board shall retain and secure the Rejected Ballots envelope.

G. Spoiled Ballots. The Election Board shall place all Spoiled Ballots in a separate envelope marked "Spoiled Ballots," and shall seal the envelope.

H. Machine Count of mail-in ballots. After review of the envelopes, Election Board members shall remove each ballot from the Secrecy Envelope. The Election Board or its Election service representative shall use an automated ballot tabulator to count the ballots, using the following procedure:

1. The Election Board separates the ballots between Voting Districts.
2. Election Board members or Election service representative shall place the ballots in the automated ballot tabulator until all accepted ballots have been tabulated.
3. When this process is finished, the electronic totals and tallies shall be completed by the representative of the Election services contractor.
4. All ballots not accepted by the automated ballot tabulator will be set aside until the electronic tallying process is complete
5. If the automated ballot tabulator(s) do not function and cannot be repaired, the Election Board will count the votes by hand.

I. Machine count of in-person ballots. All in-person ballots will be counted by a separate automated ballot tabulator. No tallies of any machine-counted ballots will be revealed to the Election Board until after the hand count of the Mail-In Ballots are complete. Unless the automated ballot tabulators malfunction, no hand count of in-person ballots will be necessary because any ballots rejected by the automated ballot tabulator will be replaced and re-voted as outlined in Section 6(d) of this Chapter.

J. Hand count of mail-in ballots. Once the electronic tallying of mail-in ballots is complete, the mail-in ballots that were not accepted by the automated ballot tabulator will be reviewed by the Election Board by hand. For each vote on each ballot, the Election Board will determine whether the intent of the Voter can be clearly determined, and if so, the Election Board will give credit to that vote.

1. If the intent of the Voter can be determined for one or more vacancies on an individual ballot but not others, the Election Board may credit the votes for only those vacancies. The purpose of this sub-section is to give effect to the intent of a Voter wherever possible, even if other votes on that person's ballot must be rejected in a hand-count.
 2. All decisions of the Election Board during a hand-count shall be announced to those in attendance. The ballots shall be made available for review to those in attendance if desired. No public comment shall be made or accepted during the hand-count process.
 3. All Election Board decisions during a hand-count shall be final, except for allegations of impropriety, which may be reviewed by the Tribal Court per the Constitution.
- K. Totaling the votes. Once the Election Board has reviewed the ballots by hand, it will determine the hand-count tally and provide those numbers to the Election services contractor. The Election services contractor will add the electronic tally of mail-in votes, the electronic tally of in-person votes, and the hand-count tally to obtain a complete tally.
- L. Ties. In the event of a tie in the number of votes for any vacancy that is up for Election other than Tribal Ogema (Refer to Section 8, A), the Election Board shall conduct an automatic recount under Chapter 8 of these regulations. If the votes for the vacancy are still tied after the recount, a Special Election will be held for the run off.

Section 8. Election Results.

- A. Tribal Ogema. The Tribal Ogema shall be the Candidate seeking the elected office who receives a majority of the Tribal votes cast for that position. If no one Candidate receives a majority of the votes cast, a run-off Election shall be held between the two Candidates who received the greatest number of votes.
- B. Tribal Council. For each voting district, the Tribal Council Candidate(s) receiving the greatest number of votes shall be elected to fill each vacancy according to the rank order of votes received.
- C. Election Board. The Election Board Candidate(s) receiving the greatest number of votes shall be elected to fill each vacancy according to the rank order of votes received.
- D. Tribal Court. The Tribal Court Candidate(s) receiving the greatest number of votes shall be elected to fill each vacancy according to the rank order of votes received. However, when there are additional eligibility requirements for a Tribal Court of Appeals vacancy under Tribal Court Section 1 (c) of Chapter 3 of these Regulations, the Candidate receiving the most votes for that particular eligibility category shall be elected to fill that vacancy.

Section 9. Announcement of Tentative Election Result.

- A. Announcement and posting. The Election Board shall announce the tentative results of a Primary, Regular or Special Election within 72 hours of the final tabulation of the counts.
- B. For a Regular or Special Election, the announcement shall contain the following statements;
 - 1. The Election results posted here are unofficial results. Unofficial Election results shall be forwarded by email with read receipt acknowledgement by the Election Board to the Tribal Ogema, the Tribal Council, and the Tribal Court.
 - 2. The Official results will be issued after the scheduled time for recount petitions and Election challenges has lapsed, or after all challenges or recounts have been completed, whichever is longer."
 - 3. The Election Board shall post the announcement in the designated locations. The announcement shall be posted in the Tribal newspaper and website within a reasonable time.

Section 10. Withdrawal by Winning Candidate.

- A. Withdrawal after Primary Election. A Candidate who advances as a result of a Primary Election may withdraw within five (5) business days after the Primary Election. If a Candidate withdraws, the Candidate for that elected office with the highest vote total who did not advance will advance in place of the Candidate who withdrew.
- B. Withdrawal after Regular Election. A Candidate who prevails in a Regular Election may withdraw within five (5) business days after the Regular Election. If a Candidate withdraws, the Candidate with the highest vote total for that elected office who did not win Election to the office will be deemed to be elected.
- C. Ties among runner-up Candidates. If there is a tie between the Candidates for the elected office with the next-highest vote total after a withdrawal, the tie will be broken using the procedures in Section 7 of this Chapter.

Section 11. Reporting Election Results.

- A. Primary Election. The Election Board shall report final results of the Primary Election after the scheduled time for recounts and withdrawals has passed, using the same procedure that is used for the announcement of tentative Election results. If disputes or challenges to a Primary Election are pending, (the Election Board may announce a partial result) the Election Board may in its discretion suspend the remainder of the Election schedule until those matters are resolved, but the Election Board is not required to do so.
- B. Regular or Special Election. The Election Board shall prepare a Final Report consisting of the following information
 - 1. Total number of registered Voters;
 - 2. Number of ballots issued;

3. Number of ballots received;
 4. Number of "undeliverable" Official Election Ballot Envelopes;
 5. Number of spoiled ballots and rejected ballots;
 6. Total votes cast for each Candidate;
 7. List of ties and final results of the tie;
 8. List of Candidates elected and position elected to;
 9. Number of Disqualified Voters.
- C. Approval. The Election Board shall vote on whether to approve the Final Report or submit a partial final report after the scheduled time for withdrawals, recount petitions and Election challenges has lapsed, or after all recounts or challenges have been completed, whichever is longer.
- D. Forwarding and Posting. After approval, the Election Board shall forward the Final Report to the Tribal Ogema, the Speaker of the Tribal Council, the Tribal Recorder, the Tribal Court all with read receipt acknowledgement. The Election Board shall also post the Final Report at the Election Board office and ask Public Affairs to post it on the Tribal website. The Final Report will indicate that it is being provided as required by the Tribal Election Ordinance.

CHAPTER 6. CAMPAIGNING

Section 1. Posting Campaign Signs.

- A. Properties Where Prohibited. Campaign signs MAY NOT be posted at the following locations:
1. Government Center, Manistee
 2. Aki Community Center, Shaw Be Quo-Ung, Manistee
 3. Little River Casino Resort, Manistee
 4. Justice Center, Domres Road, Manistee
 5. LRBOI Muskegon Office, West Hackley Avenue, Muskegon
 6. Natural Resources Building, Manistee
 7. Fruitport Property, 4800 S. Harvey Street, Muskegon
 8. Bear Lake Highlands, Bear Lake
 9. Next Generation Learning Center, Manistee
 10. Utilities Dept, Dontz Rd Manistee
 11. Little River Trading Post, Manistee

Section 2. Posting Campaign Signs.

- A. Property Where Allowed. Campaign signs MAY BE posted on other Tribal property, if the following conditions are met:
1. The Candidate has the permission of the lessee or site manager of the property, both to post the sign and for its location.
 2. For Tribal-owned properties that are operated by the Tribe or a Tribal enterprise, the decisions of whether to allow signs on the property and where signs may be posted are up to the manager of the site. However, the site manager may not discriminate between Candidates. If signs are allowed for one Candidate, all other declared Candidates must have the same opportunity.
 3. For houses leased at Aki, the decision to post campaign signs for Candidates is at the discretion of the lessee. These lessees are not under the same neutrality requirement as the managers of other Tribal property.
 4. Placement of signs must not create a traffic hazard or other safety hazard.
 5. Signs shall not be placed in such a way as to obstruct campaign signs or other signs previously placed at the same location.
 6. Candidates must include their name and address on each sign. If a sign is sponsored by someone other than the Candidate, then the name and address of the sponsor must be include on the sign as well.

Section 3. Timing of Campaign Signs.

- A. Campaign signs may be posted no sooner than the Election Board's announcement of an Election.
- B. All campaign signs must be removed no later than five (5) business days after Election Day.

- C. Signs that are not removed within five (5) business days will be removed and disposed of by the Tribe, and the cost will be assessed to the Candidate.

Section 4. Campaigning and Canvassing in Tribal-Owned Buildings.

- A. Campaigning for office, collecting signatures, and soliciting votes are allowed within the main entrances and meeting room entrance areas of Tribal-owned buildings, and outside those buildings, unless the facility manager specifically prohibits these activities.
- B. Campaigning for office, collecting signatures, and soliciting votes must be done in a manner that does not obstruct people from freely entering and exiting the buildings or meeting rooms, or constitute harassment.
- C. Signs, posters, and flyers MAY NOT be placed on the windshields of cars parked at Tribal-owned buildings.
- D. Campaigning for office, collecting signatures, and soliciting votes is permitted in other areas within Tribal-owned buildings at special events, unless these activities are specifically prohibited by the person who is conducting or facilitating the meeting.
- E. The wearing of campaign hats, shirts, and buttons on Tribal-owned buildings IS prohibited by these regulations.
- F. The making of policy-related comments by persons running for office, their supporters, and persons supporting or opposing petition drives during the public comment portions of public meetings is not prohibited by these regulations, but is subject to the rules governing those meetings.
- G. For Tribal employees, if there is a restriction in an employee handbook or other employment policy that is more restrictive than these regulations, then the employee handbook or employment policy controls.
- H. No person shall campaign, including but not limited to the posting or holding of signs, within 100 feet of an In-person polling place on Regular Election Day. For the purpose of this sub-rule only, "campaign" shall mean the display of campaign posters, signs, or other campaign materials; distribution of campaign materials; or solicitation of votes for or against any person or ballot question. For the purpose of this sub-rule only, "campaign" shall not mean wearing a button, cap, hat, pin, shirt, or other article of clothing that supports a Candidate or advocates a position on a ballot question.

Section 5. Enforcement.

- A. These rules may be enforced by the Election Board acting in cooperation with the Tribal Police. Campaign signs placed in violation of these rules may be removed by the Tribal Police and confiscated or destroyed. A person engaged in an activity that violates a rule in this Chapter will be asked to cease, and if they refuse to comply they may be removed from the area by the Tribal Police.

CHAPTER 7. CAMPAIGN FINANCING

Section 1. Allowable Contributions.

- A. A Candidate, the principal sponsor of a petition drive, Initiative, Recall or Referendum Election, or the target of a Recall petition or Election may solicit and accept funds or other contributions for an Election campaign under these conditions:
1. Only individuals may make contributions to Election campaigns.
 2. Only Tribal Members, members of a Candidate's family, or members of the family of the target of a recall petition or Election may make contributions to Election campaigns. This includes In-kind Contributions except as specified below. Funds received from family members may not be derived from other individuals or organizations.

Section 2. Endorsements.

- A. A Candidate, the principal sponsor of a petition drive, Initiative, Recall or Referendum Election, or the target of a Recall petition or Election may obtain written or verbal endorsements from any person.

Section 3. Campaign Spending and Contribution Rules.

- A. Spending limits for Candidates in a Regular or Special Election. The following sums shall be the maximum amounts that may be spent by or on behalf of any Candidate in an Election:
1. Ogema: \$10,000.
 2. Tribal Councilor:
 - (1) At-Large District: \$7,500.
 - (2) Nine-County District: \$5,000.
 - (3) Outlying District: \$5,000.
 3. Tribal Court (any office): \$10,000.
 4. Election Board: \$7,500.
- B. Spending limits for Recall efforts. A principal sponsor, or a group of principal sponsors if there is more than one, shall spend no more than \$5,000 on the Recall of any one elected official, including both the petition drive and any Election. An elected official may spend no more than \$5,000 on his or her defense of a recall, including both the petition drive and any Election.
- C. Spending limits for Initiatives. A principal sponsor, or a group of principal sponsors if there is more than one, shall spend no more than \$5,000 on any Initiative, including both the petition drive and any Election. An individual, or any identifiable group, shall spend no more than \$5,000 in resisting any initiative, including both the petition drive and any Election.
- D. Spending limits for Referendums. A principal sponsor, or a group of principal sponsors if there is more than one, shall spend no more than \$5,000 on any referendum. An individual, or any identifiable group, shall spend no more than \$5,000 to oppose any Referendum.

- E. In-kind Contributions. Any In-kind Contributions shall be counted toward that campaign spending limit at the equivalent cash value of the In-Kind Contribution. The following items do count toward the campaign spending limit and need not be reported:
1. Volunteer time provided by other Tribal members or members of Candidate's family.
 2. Necessary personal travel expenses of a Candidate or principal sponsor or petition circulator provided by that Candidate.
 3. Radio, television or public forum time that is donated or offered on equal basis to all Candidates for any particular office.
- F. Limits on individual contributions. Shall not exceed \$1000.00. These limits include contributions, In-kind Contributions, and combinations of the two.
- G. Limits on volunteer time by persons other than Tribal Members or members of a Candidate's immediate family. No Candidate, elected official, or principal sponsor may accept more than 20 total hours of volunteer time from any person or combination of persons who are not Tribal members or members of that person's immediate family.
- H. Ban on certain kinds of campaign contributions;
1. No person who has any matter pending before the Tribal Court or Tribal Court of Appeals may give any contribution or In-Kind Contribution to any Candidate running for Election or re-election to the Tribal Court, and no person may receive any such contribution. No Candidate for any Elected Office may give any contribution or In-Kind Contribution to any Candidate running for Election or re-Election to the Tribal Court, and no person may receive any such contribution.
 2. No person who holds Elected Office, who is running for Elected Office, or who is sponsoring a Recall or circulating Recall petitions may give any contribution or In-Kind Contribution to any Candidate running for Election or re-Election to the Election Board. And no person may receive any such contribution. No member of the Election Board, or Candidate running for the Election Board, may give any contribution or In-Kind Contribution to any Candidate for any office.
- I. Responsibility of Candidates. Each Candidate is responsible for ensuring that every person acting on the Candidate's behalf complies with all the requirements of this chapter.

Section 4. Reporting Requirements.

- A. Campaign finance report requirement. The following persons shall file a campaign finance report with the Election Board within five (5) business days after the Election:
1. Each Candidate whose name appears upon the official ballot in any Election;
 2. Each principal sponsor or group of principal sponsors in a Recall, Referendum or Initiative effort;
 3. Each elected official who is the target of a Recall attempt;

4. Each person or group who spends money for or against an Initiative or Referendum question. There is no requirement to file a campaign finance report for an Initiative or Referendum issue unless an Election is actually held.
- B. The campaign finance report shall be on a form provided by the Election Board, and shall require the person filing it to sign a sworn statement that all of the information in the Campaign Finance Report is true. Sanctions for failing to comply with the report requirements are addressed in Section 6.
- C. Contents. The campaign finance report shall include the following information:
 1. For each contribution, the name of the person who made the contribution, the date of the contribution, and the amount;
 2. Copies of receipts or equivalent documentation for each contribution;
 3. A list of each In-kind Contribution, except for those that are not required to be reported under section 3(e) of this chapter, including the name of the person who made the In-kind Contribution, the type of in-kind contribution, the date it was made, and the equivalent value.

Section 5. Penalties.

- A. Failure to file a campaign finance report.
 1. You will not be eligible to be sworn in, until you submit a campaign finance report. This report is due within five (5) business days after Election.
 2. Any person who does not file an accurate campaign finance report within twenty (20) business days from the date of Election, will be contacted in writing by the Election Board. The Election Board will accept late campaign finance reports up to ninety (90) days following Election Day. After ninety (90) days, no additional reports will be accepted. Any Candidate, who does not file their campaign finance report will not be permitted to submit a Declaration of Candidacy or certified as a Candidate in the next Regular Election.
- B. Exceeding campaign spending expenditure limit. A person who knowingly exceeds a campaign spending limit shall forfeit the Election.
- C. Accepting banned campaign contributions. A person who knowingly accepts any kind of banned campaign contribution prohibited by Section 4(g) shall forfeit the Election.
- D. False information or fraud. A Candidate who knowingly submits false information on a campaign finance report shall forfeit the Election. The Election Board will refer any credible allegations of Election fraud to the Tribal Prosecutor.

Section 6. Investigations and Hearings.

- A. Investigations. The Election Board may in its discretion investigate possible violations of the requirements of this chapter. Any person investigated under this chapter shall cooperate with any requests made by the Election Board that are related to such an

investigation, including but not limited to answering questions verbally or in writing, or providing receipts or other documentation.

- B. Hearings. Any hearings held by the Election Board related to campaign financing will be conducted using the hearing procedures found in Chapter 13 of these regulations.
- C. The Election Board may, but is not required to publish a list of persons who did not file Campaign Finance Reports in a timely manner.

CHAPTER 8. DISPUTES, RECOUNTS AND CHALLENGES

Section 1. Election Disputes.

- A. "Election Dispute" means a dispute relating to the Election process. An Election Dispute is decided by the Election Board under the authority of the Tribal Constitution.
- B. Filing an Election Dispute. Any registered Voter or Candidate may file an Election dispute by filling out and submitting the form provided by the Election Board. The form may be requested from the Election Board in person or by mail.
- C. Timing of Election Disputes. An Election dispute may be filed at any time during the Election process. The Election Board may, in its discretion, treat an Election dispute that is filed late in the Election process as an Election challenge. Must be filed within five (5) business days.
- D. Procedure for Election Disputes. The Election Board will investigate and decide Election Disputes using the procedures in this chapter.

Section 2. Election Challenges.

- A. Election Challenge means a challenge to the results or outcome of an Election. An Election Challenge is decided by the Election Board under the authority of the Tribal Constitution.
- B. Filing an Election Challenge. Any registered Voter or Candidate may file an Election challenge by filling out and submitting the form provided by the Election Board. The form may be requested in person or by mail.
- C. Timing of Election Challenges. An Election challenge must be filed within five (5) business days following the announcement of the unofficial Election results.
- D. Procedure for Election Challenges. The Election Board will investigate and decide Election Challenges using the procedures of these regulations.
- E. Final Decisions. The decision of the Election Board will be final.

Section 3. Recounts.

- A. Filing Automatic Recount. If the unofficial results reflect that a Candidate for any office was defeated or eliminated by 1% or less of the votes counted for that office, the Election Board will hold an automatic recount of the vote for that office immediately following the original count. The Election Board may decide, in its discretion, to hold an automatic recount for any other particular elected office on Election Day. If an automatic recount is held, no Candidate may file for a recount for that office.
- B. Filing for a Recount. A losing Candidate for elected office may file for a recount of the votes for that office by filling out and submitting a form provided by the Election Board. The recount form must be requested in person or by mail. The recount form must be received by the Election Board within five (5) business days of the announcement of the unofficial Election results. The Election Board shall review the request for a recount and, if it appears likely that error or fraud has occurred, the Election Board will conduct a

recount. If it does not appear likely that an error or fraud has occurred, no recount will be held.

- C. Notice of Recount. For a recount other than an automatic recount, the Election Board shall notify the Candidates for an elected office that is being recounted of the date, time and location of a recount based on a Candidate request. The Election Board shall post the date, time and location of the recount.
- D. Method for Recount. The Election Board will determine the method of conducting a recount that was requested by a Candidate based on what is appropriate under the circumstances. The sealed security box shall be returned by the Tribal Police on the date and to the place designated for the recount. Ballots shall be removed from the security box and recounted. The recount process shall be open to the public in the same way the ballot counting process is open to the public for an Election. There shall be no video recording or streaming of the recount.

CHAPTER 9. RECALLS

Section 1. Recalls.

- A. Recall. The Registered Voters of the Tribe shall have the right to recall the Tribal Ogema, any member of the Tribal Council, or a Tribal Judge or Appellate Judge by filing a recall petition with the Election Board. The petition must be signed by at least twenty-five percent (25%) of the Registered Voters of the Tribe. The Election Board shall verify and approved or deny the petition within thirty (30) days of receipt. At least fifty percent (50%) of the verified signatures on the petition must be Registered Voters who are eligible to vote in the Election of the Tribal Council member now subject to recall.
- B. The Election Board shall conduct a recall Election within ninety (90) days of the Election Board's verification and approval of the petition and its signatures. If the term of office for the Tribal Ogema or Tribal Council member being recalled will end within six (6) months of the date the Election Board verifies and approves the recall petition the issue will be held until the next regularly scheduled meeting.

Section 2. Request for Recall Petition.

- A. Request for Recall Petition. An enrolled Tribal member at least 18 years of age may initiate a recall drive by filling out and submitting a written request for a recall petition. The request shall be on a form provided by the Election Board. The request shall:
 - 1. Be legible or typewritten;
 - 2. State the reasons for recall clearly and in not more than 200 words;
 - 3. Identify the principal sponsor(s) of the request;
 - 4. Contain the signature of the principal sponsor(s) swearing or affirming that the charge or charges to be true to the best of their knowledge.

Section 3. Clarity Determination.

- A. Initial Public Hearing. Within twenty (20) business days after submission of a request for recall Petition to the Election Board, the Election Board shall hold a hearing to receive comments from the principal sponsor(s) and from the elected official who is the subject of the recall attempt, on the clarity of the reasons submitted in the request. The Election Board will send a Registered Certified Letter to the principal sponsor and the elected official stating the date of the public hearing, time of the public hearing, and where the public hearing will be held.
- B. Clarity Determination. At the hearing, or within twenty (20) business days after the hearing, the Election Board, with the advice of its Attorney if necessary, shall decide whether the request for recall petitions is clear enough to allow the registered Tribal Voters and the elected official whose recall is sought to understand the charges and to allow the elected official to defend himself or herself against them. Any unclear reasons in a request for recall petition shall void the request even if other reasons are determined to be clear.

Section 4. Action on Request for Recall Petitions.

- A. Denial of Request for Recall Petitions. If the reasons contained in the request for recall petition are determined, not to be clear enough to meet the standard set forth above, the Election Board shall deny the request for recall petition by motion at the Election Board's next meeting. The denial of the request shall not prevent a Tribal member from re-submitting a request for recall petition with the reasons revised.
- B. Granting of Request for Recall Petitions. If the Election Board determines that the reasons in the Request for Recall Petitions are clear enough to meet the standard set forth above, the Election Board shall approve the request by motion at the Election Board's next meeting.
- C. Defense to Charges. Within five (5) business days after being notified, the Elected Official may submit a legible, written statement of his or her defense to the charges of not more than 200 words.
- D. Preparation of Recall Petitions. The Election Board will prepare the recall petitions within twenty (20) business days of when it notifies the principal sponsor(s) and elected official(s) that the request for recall petitions has been granted. The recall petitions shall contain both the statement of reasons for recall and the defense to the charges.

Section 5. Recall Petition Form.

- A. Contents of Petition Form. The recall petition form prepared by the Election Board shall include:
 - 1. The name of the elected official and his or her elected office;
 - 2. The statement of reasons for the recall from the request for;
 - 3. Recall petition (this may be on the back of the form);
 - 4. The elected official's defense to the charges, if he or she submitted one by the deadline (this may be on the back of the form);
 - 5. A place for the name, Tribal ID, Mailing Address, of the principal sponsor(s);
 - 6. A place for the Tribal ID ,Name, Signature, Mailing Address, of the circulator on each petition page;
 - 7. A statement to be signed by the circulator of each petition certifying that the signatures on the petition were collected in compliance with these rules
 - 8. A place for the printed name, signature, Tribal ID, mailing and physical address, and signature date of each Tribal Member who signs the petition.
- B. One elected official per petition. A recall petition shall address the recall of only one elected official. A separate recall petition shall be required for each elected official who is the subject of a recall attempt.

Section 6. Recall Petition Process.

- A. Notification of principal sponsor. The Election Board will notify by Registered Certified mail the principal sponsor(s) when a petition has been prepared and is available for

pick-up. The Principal Sponsor is the person who is initiating the recall petition. There may be one or two principal sponsors.

- B. Deadline for recall. The principal sponsor(s) of the recall petition shall have 120 business days to submit paperwork, from the date the Election Board notifies him or her that the petitions have been prepared and are for pickup. There is to be No coping of Tribal Members List.
- C. List of Registered Voters. The Election Board will request a list from the Enrollment Department of Registered Tribal Voters. On receiving the list, the Election Board shall determine the number of verified recall petition signatures required to proceed with a Recall Election. The Election Board shall provide the principal sponsor with a copy of the list and the total number of required signatures (25%) if the principal sponsor requests it.
- D. Duties of principal sponsor. The principal sponsor(s) shall be responsible to oversee the proper circulation and the collection of signatures on the petitions, and to submit the completed petitions to the Election Board.
- E. Authorizing circulators. The principal sponsor(s) shall submit a list of petition circulators to the Election Board before collecting any signatures.
- F. Petition Page. A circulator may circulate more than one recall petition page.
- G. Recall petition pages. Signatures may only be collected on the petition forms prepared by the Election Board. A principal sponsor may make copies of the blank forms if needed.
- H. Rules for signing petitions.
 - 1. A Registered Voter may sign a petition to recall a particular elected official only once during that particular recall attempt.
 - 2. A Registered Voter who signs a recall petition must fill out all the information requested on that portion of the petition form.
 - 3. A Registered Voter who cannot sign his or her own name to the petition for any reason may have his or her named signed by a person with a legal power of attorney or equivalent authorization, a copy of which must be attached.
 - 4. Any Registered Voter who signs a petition must do so in the presence of the circulator.
 - 5. No signature may be obtained through fraud, deceit, or misrepresentation;
 - 6. A circulator may sign a recall petition if he or she is a Registered Voter.
 - 7. Certification. The circulator shall sign and date the certification statement on each recall petition page only after all signatures appearing on that petition page have been obtained.
 - 8. If you have been disqualified to vote, you cannot sign a petition.
- I. Public information. All information on a recall petition shall be public and shall be available all members of the Tribe. Each person signing a recall petition agrees to

this information being public.

- J. Informed signing. Each Registered Voter signing a recall petition is considered to know the purpose and reasons for the petition. No Tribal member may withdraw his or her signature from a petition after it is signed.
- K. Subsequent proceedings. The recall petition, or copies thereof, are not valid for any subsequent proceeding.

Section 7. Filing Completed Petition.

- A. Filing. A Principal Sponsor shall present the completed recall petitions to the Election Board Member in person. The Principal Sponsor shall sign a statement that the signatures collected on the petitions were collected in compliance with these rules.
- B. Receipt. The Election Board Member will provide the Principal Sponsor with a copy of the petitions. The Election Board Member will date stamp on top of the petition that they were delivered; and the number of petition pages delivered. The copy of the petitions with these notations will serve as the principal sponsor's receipt.
- C. No additions or amendments. After completed recall petitions are delivered to the Election Board for a particular elected official, no additional signatures or petition pages shall be submitted for the recall attempt on that elected official. No other amendments or changes may be made to the petitions, either.

Section 8. Review of Signatures.

- A. Notice of meeting to review petitions. The Election Board shall send notice to the principal sponsor(s) and the elected official(s) who are the subject of the recall attempt of the time and place of the meeting where Election Board will review the petitions. The notice shall be sent no later than ten (10) business days before the meeting is to be held.
- B. Elected official challenge. The elected official who is the subject of the recall petitions may challenge the validity of any petition page or signatures on a recall petition. Any such challenge shall be in writing, specifying the reasons for the challenge, and shall be delivered to the Election Board no fewer than five (5) business days before the meeting to review the petitions. The reasons why pages or signatures may be challenged are limited to those below.
- C. Review of petitions. Only properly-completed signatures of Registered Voters on properly-certified petition pages shall be counted toward the number of signatures necessary to set a Recall Election.
- D. Invalidation of petition page. A recall petition page shall be invalid where:
 - 1. The page is not from the form prepared by the Election Board;
 - 2. The form prepared by the Election Board has been altered in any material way;
 - 3. The circulator of the petition page was not an enrolled Tribal member at least 18 years of age;

4. The circulator statement is not signed, completed and dated, or the date appears to have been materially altered after signing;
 5. Any other irregularity on a petition page that calls into question its truthfulness or accuracy.
- E. Invalidation of petition signatures. A signature on a petition page shall be invalid where:
1. There is no printed name with the signature;
 2. There is no Tribal ID number with the signature ;
 3. There is no Mailing address with the signature;
 4. The Mailing address entered does not match, the Mailing address on file with the Enrollment Department;
 5. There is no date with the signature, or the date is illegible or has been materially altered;
 6. The person signing the petition is not a Registered Voter of the Tribe;
 7. The date with the signature is later than the date on the circulator statement;
 8. The signature is by another person on behalf of the Tribal Member, and there is no power of attorney or equivalent authorization attached;
- F. In the event a Tribal Member's signature appears on a petition more than once, all but one of the multiple signatures shall be stricken as invalid.
- G. A signature shall not qualify for the residence requirement, where the address is not in the required voting district.
- H. Individual signatures that are found to be invalid appearing on an otherwise valid petition page shall not invalidate any other valid signature found on the same valid petition page.
- I. If a petition page is found to be invalid, then none of the signatures on that page shall be counted towards meeting the total number of signatures required.
- J. Motions. The Election Board shall invalidate petition signatures or petition pages only upon proper motion of the Board, which the motion shall contain a notation of the reason for invalidation. Any decision to accept a signature or petition page questionable for any reason shall be made by proper motion of the Election Board.
- K. Final decision. The approved minutes of the meeting where the Election Board reviewed the petitions shall be considered the final decision of the Election Board on the validity of the petitions.
- L. Allegations of fraud. Credible allegations of fraud related to the recall process shall be referred to the office of the Tribal Prosecutor.

Section 9. Sufficiency of Petition.

- A. Valid Petition. If the petitions are determined by motion of the Election Board to be valid, the Election Board shall set a Recall Election within ninety (90) days of the approval.

- B. Invalid petition. If the petitions are determined by motion of the Election Board to be invalid, the recall attempt will be concluded. A petition declared invalid by the Election Board shall not be used in any later recall attempt.

Section 10. Recall Election.

- A. Recall Election Process. The Election Board shall conduct a Recall Election using the same procedures for ballot mailing, voting and vote counting that are used for conducting Regular and Special Elections.
- B. Timing of Election. The Election Board shall determine the time periods for the Recall Election within twenty (20) days of determining the recall petitions are sufficient. Subject to the ninety (90) day, time limit per the Tribal Constitution
- C. Ballot language.
 - 1. The reasons for recall, and the defense to the charges, shall be printed on each ballot or attached.
 - 2. No part of the reasons for recall or the defense to the charges shall be emphasized by bold print, italics, underscoring, or other means of emphasis.
 - 3. The sole question for vote on the recall Election ballot shall read as follows:
 - a. "(name of elected official) shall be recalled from the office of (title of the office)"
 - 4. Printed below the question on separate lines, and in easily readable type, shall be the words: "Yes" or "No"

Section 11. Recall Election Disputes, Recounts and Challenges.

- A. Recall Election disputes, recounts and challenges shall be handled under Chapters 8 of these regulations.

Section 12. Results.

- A. Unofficial Results. The Election Board shall announce unofficial results for Recall Elections in the same way as for Regular and Special Elections.
- B. Final Report. The Election Board shall present the final report for the Recall Election to the Tribal Ogema, the Tribal Council and the Tribal Judiciary.
- C. Vacancies. An elected office shall be deemed vacant upon the issuing of a final report determining that the majority of the votes were cast in favor of recall. The vacancy shall then be filled as specified by the Tribal Constitution. Article X Section 4.

CHAPTER 10. INITIATIVES

Section 1. Request for Initiative Petition.

- A. Request for Initiative Petition. A Registered Voter may start an Initiative process by filling out and submitting a written request for an Initiative Petition. The request shall be on a form provided by the Election Board. The request shall:
1. Be legible or typewritten;
 2. Attach a copy of the proposed ordinance sought to be enacted, or the existing ordinance sought to be repealed, through the initiative process; and
 3. Identify the principal sponsor(s) of the request.

Section 2. Preparation of Initiative Petition.

- A. The Election Board will prepare Initiative petitions within twenty (20) business days of receiving a sufficient written request.
- B. Contents of petition form. The initiative petition forms prepared by the Election Board will include:
1. The question. The phrasing of the question on the petition will be determined by the Election Board. Generally, and without restricting the discretion of the Election Board, the question will be phrased as:
"Shall the [Title of proposed ordinance] be enacted?" or
"Shall the [Title of existing ordinance], also known as Ordinance # [Number of existing ordinance], be repealed?"
 2. A copy of the ordinance which is proposed to be enacted or repealed will be printed on the back of the petition forms if possible, or if not possible, will be attached to the petition forms.
 3. A place for the printed name, signature, Tribal ID, and date of each Tribal Member who signs the petition.
 4. A place for the printed name, signature, Tribal ID, mailing address, and telephone number of the principal sponsor(s);
 5. A place for the printed name, signature, Tribal ID, mailing address, and telephone number of the circulator of each petition page;
 6. A statement to be signed by the circulator of each petition certifying that the signatures on the petition were collected in compliance with these rules;
- C. One ordinance per petition. There will be one petition form prepared for each ordinance that is proposed to be enacted or repealed.

Section 3. Initiative Petition Process.

- A. Notification of principal sponsor. The Election Board will notify by Registered Certified mail the principal sponsor(s) when a petition has been prepared and is available for pick-up. The Principal Sponsor is the person who is initiating the recall petition. There may be one or two principal sponsors.
- B. Deadline for Initiative petitions. The principal sponsor(s) of the initiative petition shall have one hundred and twenty (120) business days from the date the Election Board

notifies him or her that the petitions have been prepared to file completed petitions with the Election Board.

- C. List of Registered Voters. The Election Board will request a list from the Enrollment Department of Registered Voters. On receiving the list, the Election Board shall determine the number of verified petition signatures required for the petition to be presented to the Tribal Council. The Election Board shall provide the principal sponsor with a copy of the list and the total number of required signatures no copies can be made.
- D. Duties of Principal Sponsor. The principal sponsor(s) shall be responsible to oversee the proper circulation and the collection of signatures on the petitions, and to submit the completed petitions to the Election Board.
- E. Authorizing circulators. The principal sponsor(s) shall submit a list of petition circulators to the Election Board before collecting any signatures.
- F. Petition Page. A circulator may circulate more than one petition page.
- G. Initiative petition pages. Signatures may only be collected on the petition forms prepared by the Election Board. A principal sponsor may make copies of the blank forms if needed.
- H. Rules for signing petitions.
 - 1. A Registered Voter may sign an initiative petition for a particular ordinance only once during that particular initiative drive.
 - 2. A Registered Voter who signs a petition must fill out all the information requested on that portion of the petition form.
 - 3. A Registered Voter who cannot sign his or her own name to the petition for any reason may have his or her named signed by a person with a legal power of attorney or equivalent authorization. A copy of which must be attached.
 - 4. Any Registered Voter who signs a petition must do so in the presence of the circulator.
 - 5. No signature may be obtained through fraud, deceit, or misrepresentation.
 - 6. A circulator may sign a petition if he or she is a Registered Voter.
 - 7. Certification. The circulator shall sign and date the certification statement on each petition page only after all signatures appearing on that petition page have been obtained.
 - 8. If you have been disqualified to vote, you cannot sign a petition.
- I. Public information. All information on a petition shall be public and shall be available to any and all members of the Tribe. Each person signing a petition agrees to this information being public.
- J. Informed signing. Each Registered Voter signing a petition is considered to know the purpose and reasons for the petition. No Tribal member may withdraw his or her signature from a petition after it is signed.
- K. Subsequent proceedings. The petition or copies thereof, are not valid for any subsequent proceeding.

Section 4. Filing Completed Petition.

- A. Filing. A Principal Sponsor shall present the completed petitions to an Election Board Member in person. The Principal Sponsor shall sign a statement that the signatures collected on the petitions, were collected in compliance with these rules.
- B. Receipt. The Election Board Member will provide the Principal Sponsor with a copy of the petitions. The Election Board Member will date stamp on the top of the petition they were delivered; and the number of petition pages delivered. The copy of the petitions with these notations will serve as the principal sponsor's receipt.
- C. No additions or amendments. After completed petitions are delivered to the Election Board for a particular initiative drive, no additional signatures or petition pages may be submitted for that initiative drive. No other amendments or changes may be made to the petitions, either.

Section 5. Review of Signatures.

- A. Notice of meeting to review petitions. The Election Board shall notify the principal sponsor(s) of the petitions of the time and place of the meeting where Election Board will review the petitions. The notice shall be sent no later than ten (10) business days before the meeting is to be held.
- B. Review of petitions. Only properly-completed signatures of Registered Voters on properly-certified petition pages shall be counted toward the number of signatures necessary to set an Initiative Election.
- C. Invalidation of petition page. A petition page shall be invalid where:
 - 1. The page is not from the form prepared by the Election Board;
 - 2. The form prepared by the Election Board has been altered in any material way;
 - 3. The circulator of the petition page was not a duly enrolled Tribal member at least 18 years of age;
 - 4. The circulator statement is not signed, completed, and dated, or the date appears to have been materially altered after signing;
 - 5. Any other irregularity on a petition page that calls into question its truthfulness or accuracy.
- D. Invalidation of petition signatures. A signature on a petition page shall be invalid where:
 - 1. There is no printed name with the signature;
 - 2. There is no Tribal ID number with the signature;
 - 3. There is no Mailing address with the signature;
 - 4. The mailing address entered does not match the Mailing address on file with the Enrollment Department;
 - 5. There is no date with the signature, or the date is illegible or has been materially altered;
 - 6. The person signing the petition is not a Registered Voter of the Tribe;
 - 7. The date with the signature is later than the date on the circulator statement;

8. The signature is by another person on behalf of the Tribal member, and there is no power of attorney or equivalent authorization attached;
- E. In the event a Tribal Member's signature appears on a petition more than once, all but one of the multiple signatures shall be stricken as invalid.
- F. Individual signatures that are found to be invalid appearing on an otherwise valid petition page shall not invalidate any other valid signature found on the same valid petition page.
- G. A signature shall not qualify for the residence requirement, where the address is not in the required voting district.
- H. If a petition page is found to be invalid, then none of the signatures on that page shall be counted towards meeting the total number of signatures required.
- I. The Election Board shall note on the petition page, where the signature appears, or on a separate sheet, the invalidation of each signature on a petition.
- J. Motions. The Election Board shall invalidate petition signatures or petition pages only upon proper motion of the Board, which motion shall contain a notation of the reason for invalidation. Any decision to accept a signature or petition page questionable for any reason shall be made by proper motion of the Election Board.
- K. Final decision. The approved minutes of the meeting where the Election Board reviewed the petitions shall be considered the final decision of the Election Board on the validity of the petitions.
- L. Allegations of fraud. Credible allegations of fraud related to the petition circulating and signing processes shall be referred to the office of the Tribal Prosecutor.

Section 6. Sufficiency of Petition.

- A. Valid petition. To be valid, a petition must be signed by twenty-five (25%) of the registered Voters of the Tribe, as verified by the Election Board. If the petitions are determined by motion of the Election Board to be valid, the Board shall present them to the Tribal Council for action under Article VII, Section 2 of the Tribal Constitution.
- B. Invalid petition. If the petitions are determined by motion of the Election Board to be invalid, the initiative drive will be concluded. A petition declared invalid by the Election Board shall not be used in any later initiative drive. However, nothing shall prevent the principal sponsor(s) of the initiative drive from attempting another drive on the same ordinance.

Section 7. Initiative Election.

- A. Conducting Initiative Election. If the Tribal Council does not adopt the measure after presentation as specified in the Constitution, the Election Board will announce a Special Election.
- B. Initiative Election Process. The Election Board shall conduct an Initiative Election using the same procedures for ballot mailing, voting and vote counting that are used for conducting Regular and Special Elections.
- C. Timing of Election. The Election Board shall determine the time periods for the Initiative Election within thirty (30) calendar days of determining the petitions are sufficient, subject to the ninety (90)-calendar day time limit in the Tribal Constitution.
- D. Ballot. The question on the ballot shall be phrased as it was on the petition. A copy of the ordinance that is proposed to be enacted or repealed will be printed on or included with mail ballots and available for review at any polling place, if applicable

Section 8. Initiative Election Disputes, Recounts and Challenges.

- A. Initiative Election disputes, recounts and challenges shall be handled under Chapters 8 of these regulations.

Section 9. Results.

- A. Determination of Voter turn-out. On Election Day, the Election Board will use a list of Registered Voters provided by the Enrollment Department and the normal ballot counting process to determine whether 30% of the Registered Voters cast ballots. If fewer than 30% of the Registered Voters cast ballots, the Initiative(s) will be deemed defeated under the Constitution. If less than 30% of the Registered Voters cast ballots, the Election Board may, at its discretion, post the results of the count for informational purposes only.
- B. Unofficial Results. The Election Board shall announce unofficial results for Recall Elections in the same way as for Regular and Special Elections.
- C. Final Report. The Election Board shall present the final report for the Recall Election to the Tribal Ogema, the Tribal Council and the Tribal Judiciary.
- D. Vacancies. An elected office shall be deemed vacant upon the issuing of a final report determining that the majority of the votes were cast in favor of recall. The vacancy shall then be filled as specified by the Tribal Constitution. Article X Section 4.

CHAPTER 11. REFERENDUMS

Section 1. Referendum Election.

- A. Referendum Election. The Tribal Council shall, upon an affirmative vote of seven (7) Council members, schedule a Referendum Election on any proposed or previously enacted ordinance by the Membership.
- B. The Referendum Election shall be held no sooner than thirty (30) days and no later than ninety (90) days from the date the proposed or existing ordinance is referred to the Voters in accordance with applicable provisions of this Constitution, any applicable tribal ordinance any rules and regulations issued by the Election Board. The date of the Referendum Election shall be set by Tribal Council.
- C. The vote of a majority of those actually voting shall be binding upon the Tribal Council, provided at least thirty percent (30%) of the Registered Voters of the Tribe cast ballots in the Referendum Election.

Section 2. Conducting Referendum Election.

- A. Conducting Referendum Election. If the Tribal Council votes to submit a question to the Tribal Membership for Referendum Election as specified in the Constitution, the Election Board will announce a Special Election.
- B. Referendum Election process. The Election Board shall conduct a Referendum Election using the same procedures for ballot mailing, voting and vote counting that are used for conducting Regular and Special Elections.
- C. Timing of Election. The Tribal Council shall determine the date of the Referendum Election, subject to the ninety (90)-calendar-day time limit in the Tribal Constitution.
- D. Ballot. The question on the ballot shall be phrased as it was by the Tribal Council in its vote to hold a Referendum Election.

Section 3. Referendum Election Disputes, Recounts and Challenges.

- A. Referendum Election disputes, recounts and challenges shall be handled under Chapter 8 of these regulations.

Section 4. Results.

- A. Determination of Voter turn-out. On Election Day, the Election Board will use a list of Registered Voters provided by the Enrollment Department and the normal ballot-counting process to determine whether 30% of the registered Voters cast ballots.
- B. Unofficial results. The Election Board will announce unofficial results for Referendum Elections in the same way as for Regular and Special Elections per

the constitution they shall take effect ten (10) days after certification of vote by the Election Board.

- C. Final Report. The Election Board shall present the final report for the Referendum Election to the Tribal Ogema, the Tribal Council and the Tribal Judiciary.
- D. Vacancies. An elected office shall be deemed vacant upon the issuing of a final report determining that the majority of the votes were cast in favor of recall. The vacancy shall then be filled as specified by the Tribal Constitution. Article X Section 4.

CHAPTER 12. RUNOFF ELECTIONS

Section 1. Eligibility.

- A. This Chapter governs Runoff Elections that must be held when the votes for an office are tied in the initial count and the recount.
- B. Only the Candidates who were tied in the original Election are entitled to run in the Runoff Election.
- C. The Candidates entitled to run in the Runoff Election will be placed on the ballot automatically, so long as they timely filed their campaign finance report for the original Election.
- D. No new Declaration of Candidacy to be submitted.
- E. A Candidate who does not file their campaign finance report for the original Election within five business days of that Election will not be permitted to run in the Runoff Election.

Section 2. Announcement of Runoff Election.

- A. Announcement of a Runoff Election. The Election Board will prepare and post an announcement of a Runoff Election promptly after determining that such an Election must be held.
- B. Contents of Election Announcement. A runoff Election announcement will include:
 - 1. The date of the Runoff Election;
 - 2. The location of any polling place for voting in person, if applicable, and the hours the polling place or places will be open;
 - 3. The time limits and deadlines set for each stage of the Election process;
 - 4. Any other information the Election Board, in its discretion, believes to be pertinent.

Section 3. Voting.

- A. Voting by mail. The Election Board will provide for runoff ballots to be cast by mail, and may in its discretion also allow for voting in person.
- B. Polling place. For voting by mail, the homes of registered Voters shall be considered polls for purposes of Article IX, Section 3(b) of the Tribal Constitution
- C. Timing of ballots:
 - 1. Mailing ballots. Ballots will be mailed to all Registered Voters who are entitled to vote in the Runoff Election on a date that will be determined by the Election Board, but no later than twenty one (21) days before Election Day. It is the responsibility of the Registered Voter to contact the Election Board to obtain missing ballots and, if approved, replacement ballots.

2. Receiving ballots. To be counted, completed mail ballots must be received by the Election Board, at its post office address, before noon on Runoff Election Day. It is the responsibility of the Registered Voter to verify that ballots are mailed in a timely fashion to meet the deadlines.
- D. Completing a mail ballot. With regard to an Election, a Registered Voter shall receive by mail an envelope labeled "Official Election Envelope," an envelope labeled "Secrecy Envelope," one Mail-In Ballot, and instructions for completing the ballot. Upon completing the ballot, the Voter shall take the following steps to complete the voting process for Mail-In Ballots:
1. Please mark your choice(s) clearly for the Candidate of your choosing.
 2. Fold the ballot, place the ballot in the envelope labeled "Secrecy Envelope" and then close and seal the envelope.
 3. Place the "Secrecy Envelope" in the "Official Election Ballot Envelope" and close and seal the "Official Election Ballot Envelope."
 4. Sign the statement printed on the back of the "Official Election Ballot Envelope" mail the envelope to the Election Board
- E. Replacement Ballots. A Registered Voter may upon a showing of good cause, request a replacement ballot. The Voter must notify the Election Board of his or her need for a replacement ballot not less than ten (10) business days before the Election Day. The Election Board may, in its discretion and based upon good cause shown, issue a replacement ballot to the Voter. The Election Board shall keep a running list of Registered Voters to whom replacement ballots are issued and use appropriate technology to prevent a Registered Voter from voting twice in the same Election.

Section 4. Counting Ballots.

- A. Pickup of Mail-In Ballot Box. An Election Board Member and an Officer of the Little River Band of Ottawa Indians Police Department shall meet at 12:00 noon at a designated Tribal Building on Election Day to retrieve Mail-In Ballots from the post office and transport them to a ballot-counting location designated by the Election Board. Ballots shall be secured and locked in a ballot box by the Officer and delivered to the designated polling place.
- B. Opening the Ballot Box. The Little River Police Officer will unlock the ballot box. Before counting the mail-in ballots, it will be divided into five (5) categories with the help of the Election Board contractor
1. Any mail other than ballot envelopes that was placed in the ballot box by the Post Office.
 2. The Election Board separate's the ballot between nine county, Outlying and At large if acceptable.
 3. Official Election Ballot Envelopes that have been noted by the Post Office as undeliverable;
 4. Official Election Ballot Envelopes that have not been signed by the Voter, or that contain more than one signature;
 5. Envelopes that contain ballots that are not in the Official Ballot Envelope.

- C. Public Observation of Counting Ballots. For purposes of counting Mail-In Ballots, the Election Board shall be located in an area that can be viewed, by the public. The Election Board may, but is not required to, videotape or stream the ballot counting and tabulating. No other person may videotape or stream the ballot counting and tabulating. The ballot tabulating and counting procedures shall be witnessed by a Little River Band of Ottawa Indians Police Officer, who shall remain until the count of ballots is completed, certified, and announced. Any person causing a disturbance, for any reason, shall be removed from the viewing of the Election process. The determination of whether a person is causing a disturbance shall be at the sole discretion of the Election Board.
- D. Review of contents of Official Election Ballot Envelopes. The purpose of the review shall be to determine if the returned envelopes contain more than one Secrecy envelope or ballot.
1. The representative of the Election services contractor shall open the Official Election Ballot Envelope with the automatic letter opener. Ballot envelopes that cannot be opened automatically will be manually opened by Election Board members.
 2. Election Board members shall remove the Secrecy Envelope from the Official Election Ballot Envelope.
 3. Election Board members shall determine if more than one Secrecy envelope has been placed in each Official Election Ballot Envelope. If more than one Secrecy Envelope is enclosed, the Official Election Ballot Envelope and the enclosed Secrecy Envelopes shall be rejected.
 4. If a ballot is in the Official Election Ballot Envelope but not in a Secrecy envelope, the Voter's right to secrecy in the s Election of Candidates will be considered to be waived, but the Election Board will not reject the ballot. The Election Board will take steps it determines to be prudent to attempt to protect the secrecy of that Voter's Election of Candidates.
- E. Review of Contents of Secrecy Envelopes.
1. The representative of the Election services contractor shall open the Secrecy Envelope with the automatic letter opener. Secrecy envelopes not opened automatically shall be manually opened by the Election Board.
 2. If more than one ballot is enclosed, all ballots in that Secrecy Envelope shall be rejected.
- F. Rejected Ballots. The Election Board shall place all rejected ballots into a separate envelope marked "Rejected Ballots," and shall seal the envelope. The Election Board shall retain and secure the Rejected Ballots envelope.
- G. Spoiled Ballots. The Election Board shall place all Spoiled Ballots in a separate envelope marked "Spoiled Ballots," and shall seal the envelope.

- H. Machine Count of mail-in ballots. After review of the envelopes, Election Board members shall remove each ballot from the Secrecy Envelope. The Election Board or its Election service representative shall use an automated ballot tabulator to count the ballots, using the following procedure:
1. The Election Board separate's the ballots between Voting Districts.
 2. Election Board members or Election service representative shall place the ballots in the automated ballot tabulator until all accepted ballots have been tabulated.
 3. When this process is finished, the electronic totals and tallies shall be completed by the representative of the Election services contractor.
 4. All ballots not accepted by the automated ballot tabulator will be set aside until the electronic tallying process is complete
 5. If the automated ballot tabulator(s) do not function and cannot be repaired, the Election Board will count the votes by hand.
- I. Machine count of in-person ballots. All in-person ballots will be counted by a separate automated ballot tabulator. No tallies of any machine-counted ballots will be revealed to the Election Board until after the hand count of the Mail-In Ballots are complete. Unless the automated ballot tabulators malfunction, no hand count of in-person ballots will be necessary because any ballots rejected by the automated ballot tabulator will be replaced and re-voted as outlined in Section 6(d) of this Chapter.
- J. Hand count of mail-in ballots. Once the electronic tallying of mail- in ballots is complete, the mail-in ballots that were not accepted by the automated ballot tabulator will be reviewed by the Election Board by hand. For each vote on each ballot, the Election Board will determine whether the intent of the Voter can be clearly determined, and if so, the Election Board will give credit to that vote.
1. If the intent of the Voter can be determined for one or more vacancies on an individual ballot but not others, the Election Board may credit the votes for only those vacancies. The purpose of this sub-section is to give effect to the intent of a Voter wherever possible, even if other votes on that person's ballot must be rejected in a hand-count.
 2. All decisions of the Election Board during a hand-count shall be announced to those in attendance. The ballots shall be made available for review to those in attendance if desired. No public comment shall be made or accepted during the hand-count process.
 3. All Election Board decisions during a hand-count shall be final, except for allegations of impropriety, which may be reviewed by the Tribal Court per the Constitution.
- K. Totaling the votes. Once the Election Board has reviewed the ballots by hand, it will determine the hand-count tally and provide those numbers to the Election services contractor. The Election services contractor will add the electronic tally of mail-in votes, the electronic tally of in-person votes, and the hand-count tally to obtain a complete tally.
- L. Ties. In the event of a tie in the number of votes for a Runoff Election, the Election Board shall conduct an automatic recount under Chapter 8 of the Election Board

Regulations. If the votes are still tied after the recount, a blind drawing will be held to determine the winner.

Section 5. Retaining Election Records.

Runoff Election records shall be retained, maintained, and destroyed in the manner prescribed in Chapter 4 for other Election records.

Section 6. Announcement of Tentative Runoff Election Results.

- A. Announcement and posting. The Election Board shall announce the tentative results of the Runoff Election within 72 hours of the final tabulation of the counts.
- B. The announcement shall contain the following statement:

"The Election results posted here are tentative results. Final Runoff Election results shall be forwarded by the Election Board to the Tribal Ogema, the Tribal Council, and the Tribal Court in a Final Report after the scheduled time for recount petitions and Election challenges has lapsed, or after all challenges or recounts have been completed, whichever is longer."
- C. The Election Board shall post the announcement in the designated locations. The announcement shall be posted in the Tribal newspaper and website within a reasonable time.

Section 7. Final Report for the Runoff.

- A. The Election Board shall forward a Final Report for the Runoff Election to the Speaker of the Tribal Council, the Tribal Recorder, the Tribal Ogema, and the Tribal Court all with read receipt acknowledgement. The Election Board shall forward the Final Report after the scheduled time for recount petitions and Election challenges has lapsed, or after all recounts or challenges have been completed.
- B. The Final Report shall consist of the following information:
 - 1. Total number of registered Voters;
 - 2. Number of ballots issued;
 - 3. Number of ballots received;
 - 4. Number of "undeliverable" Official Election Ballot Envelopes;
 - 5. Number of spoiled ballots and rejected ballots;
 - 6. Total votes cast for each Candidate;
 - 7. List of ties and final results of the tie;
 - 8. List of Candidates elected and position elected to.

CHAPTER 13. HEARINGS

Section 1. Challenges.

This chapter shall apply to all Election Disputes and Election Challenges, as well as all other complaints about Elections and all decisions that the Election Board is authorized or required to make after a hearing. This chapter shall not apply to allegations of impropriety.

- A. Waiver. Any complaint that is not filed and pursued with the Election Board under these rules are waived.
- B. Allegations of Impropriety. Allegations of Impropriety against an Election Board Member are settled by the Tribal Court under Tribal Constitution, Article IX, Section 4(c).

Section 2. Request for Hearing.

- A. Request for Hearing. Any Tribal member or Candidate for Elected Office may request a hearing by filling out and submitting a request on a form provided by the Election Board. The form may be requested from the Election Board in person or by mail.
- B. Review of Hearing Request. The Election Board will review requests for hearing. Based on the review, the Election Board shall either set the Complaint for a Hearing or shall issue a written Proposal for Decision without a hearing if a hearing is not appropriate under the circumstances.

Section 3. Notice.

- A. Notice of a Hearing. In the event of a Hearing, the Election Board shall provide written notice to the individual requesting the Hearing of the date, time and location set for the Hearing.
- B. Contents of Hearing Notice. The notice of Hearing shall contain;
 - 1. The date, time and location of the hearing; and
 - 2. The procedures to be used for the Hearing which may include opening and closing statements, opportunities for submitting briefs and evidence and witness testimony

Section 4. Hearings.

- A. Procedure. The Election Board shall establish procedures for Hearings that afford due process and are appropriate under the circumstances. These procedures may include some or all of the following:
 - 1. Opening statements.
 - 2. Presentation of evidence or witnesses by the Election Board Attorney and the individual who requested the hearing and other parties involved;
 - 3. Cross examination when appropriate
 - 4. Questions for Election Board Members, the Election Board Attorney, witnesses, or the person who requested the hearing.
 - 5. Closing statements.

- B. Failure to Appear. If the Complainant who requested the Hearing fails to appear for the Hearing at the date, time and location provided on the notice of Hearing, he or she is deemed defaulted and his or her Complaint may be dismissed with prejudice.
- C. Record. A record shall be compiled during the Hearing and retained by the Election Board. The Complaint requesting the Hearing shall be entitled to receive a copy of the record. The record will consist of all documents submitted in connection with the Hearing and all other documents determined by the Election Board to be relevant to the subject of the hearing. The Election Board shall make the proposed decision based only on the record.
- D. Witnesses. If the Election Board has determined that it is appropriate to include the testimony of witnesses, both the person requesting the hearing and the Election Board Attorney may present witnesses as necessary. Witnesses shall take an oath. No witness may be subpoenaed or forced to testify, but instead may testify under his or her own free will. Witnesses may choose to refuse to answer any question for any reason. A witness who refuses to answer questions or becomes disorderly may be asked to step down.
- E. Proposed Decision. The Election Board shall issue a written proposed decision setting out the findings of fact. Then granting or denying the Complainant's requested relief.
- F. Recording the Hearing. The Election Board may record a hearing electronically. If a recording is made, it will be made available to any participant who requests it. Any person may have a hearing transcribed at his or her own expense.

Section 5. Decisions.

- A. Review of Decision. The Election Board shall decide by roll-call vote whether to accept or reject, or the proposed decision. The Election Board may give persons who participated in the hearing the opportunity to respond to the proposed decision, either in writing or through comments at the meeting or both.
- B. Final Decision. The Election Board's decision to accept or reject the proposed decision shall be the final decision. The minutes of the meeting where this decision takes place shall be part of the record.

CHAPTER 14. ETHICAL STANDARDS

Section 1. Ethical Standards.

- A. General duty. Members of the Election Board shall seek to uphold the integrity and fairness of Election processes, and shall seek to uphold due process and civility during Hearings.
- B. While acting in official capacity as an Election Board they shall not engage in the following activities:
 - 1. Shall not endorse any Candidate.
 - 2. Announce views in support of or against any Candidate for Elected Office,
 - 3. Participant in any Recall petition drive or Election.
 - 4. Expressing views on behalf of the Election Board during a Membership Meeting
 - 5. Endorsing a particular Candidate over another
 - 6. Campaign for a particular Candidate.
 - 7. Shall not except gifts or favors from any Candidate.
 - 8. Serve as a Principal Sponsor for any petition.
 - 9. Shall not solicit funds for any Candidate.
 - 10. Shall recuse themselves from deliberations or voting on Election Matters where such involvement result in personal gain.
- C. Members of the Election Board shall engage in the following:
 - 1. Campaign on their own behalf.
 - 2. Solicit funds for them shelf.

Section 2. Allegations of Impropriety.

- A. Complaints. Allegations of Impropriety against any Election Board Member shall be settled by the Tribal Court as required under Tribal Constitution, Article IX, Section 4(c).
- B. Time Limit for Complaints. Allegations of Impropriety against any Election Board Member shall be filed with the Tribal Court within sixty (60) days of the date on which the Complainant has knowledge.
- C. Service on Election Board. Service of a Complaint alleging Impropriety against any Election Board Member shall be made upon the Election Board in conformity with Tribal Court Rule 4.100.

Section 3. Removal from Office.

- A. A Member of the Election Board shall be removed from his or her office for one or more of the following reasons:
 - 1. Willful violation of the ethical standards for Members of the Election Board as set forth under these Regulations;
 - 2. Gross misconduct or malfeasance while in office other than Impropriety;
 - 3. Conviction, while in office, of a felony under Federal, State or Tribal law, or

- conviction of a crime involving dishonesty or moral turpitude; or
4. Inability to fulfill the duties of the office due to mental or physical disability or hardship, to the extent that he or she is incapable of exercising reasonable judgment while attending to the business of the Election Board.
- B. A unanimous vote of the Election Board, excluding the Election Board Member whose removal is sought, shall be required to initiate an action for removal by the Election Board.
 - C. An Election Board Member who is voted for removal by the Election Board shall have ten (10) business days to respond to removal.
 - D. Following the Hearing, the Election Board shall issue a determination. A decision by the Election Board to accept a Proposed Decision that calls for the removal of an Election Board Member is final and the Election Board Member shall be removed from Office forthwith.
 - E. In the event of removal of an Election Board Member by the Election Board, a Special Election shall be held for purposes of filling the vacancy.

Section 4. Travel time for Training.

- A. Tribal Employees. Tribal Employees who are authorized to travel on behalf of the Election Board for training during his/her regular shift of employment are subject to the requirements of the Tribe's regulations on travel. Employees shall not receive more than five (5) days wages in lieu of stipend for such travel in any fiscal year.
- B. Non Employees. Non-employees who travel on behalf of the Election Board for training shall receive a stipend for no more than five (5) days for such travel in a fiscal year.

Section 5. Monetary Compensation.

- A. Each Election Board will be compensated monthly, in lieu of have office hours, we will not be in entitled to insurance, or COLA Adjustments. The monthly amount will be reduced by each absence from meetings. Each monthly payment shall be divided by the number of meetings held by the Election Board, then subtracted for the missed meetings

CHAPTER 15. PETITIONS FOR CONSTITUTIONAL AMENDMENTS

Section 1. Scope.

- A. This Chapter provides the procedures for petition drives for the calling of Elections by the Secretary of Interior ("Secretary "), Bureau of Indian Affairs (BIA), on proposed amendments to the Tribal Constitution.
- B. Authority. It is the intent of this Chapter to meet the Board's duties under Article IX, Section 4(e) and Article XIV of the Constitution. Secretarial Elections are governed by BIA rules found at 25 CFR Part 81 and are conducted by the BIA with the Board acting in assistance to that agency.
- C. Timing of Application. If this Chapter is enacted or amended while a petition drive or other aspect of the process described below is in progress, this Chapter will be applied prospectively to those steps of the process which have not occurred at the time of enactment.

Section 2. Request for Constitutional Amendment Petition.

- A. Request for Petition. An eligible Tribal Voter may start a petition process by filling out and submitting a written request for an amendment petition. The request shall be on a form provided by the Election Board. The request shall:
 - 1. Be legible or typewritten ;
 - 2. Attach a copy of the proposed amendment, including text to be added, if applicable, and text to be deleted, if applicable, specified by Article and Section number; and
 - 3. Identify the principal sponsor(s) of the request.

Section 3. Preparation of Amendment Petition.

- A. The Election Board will prepare amendment petitions within twenty (20) business days of receiving a sufficient written request.
- B. Contents of petition form. In order to ensure that the petitions are consistent with ballot requirements published by the Bureau of Indian Affairs, the initiative petition forms prepared by the Election Board will include:
 - 1. The proposed amendment. The phrasing of the proposed amendment on the petition will be determined by the Election Board. This determination will be at an open meeting of the Election Board, and the Principal Sponsor(s) will be notified of when the matter will be considered, and invited to participate.
 - 2. Generally, and without restricting the discretion of the Election Board, the question will be phrased as:
"Shall the amendment to Article __, Section __, be enacted?"
 - 3. More than one Article, Section, and title may be identified if more than one is to be amended as part of a single question.
 - 4. Each proposed amendment may address only a single question.

5. If a proposed amendment conflicts with other provisions of the Tribal Constitution, the petition shall be prepared so that the question includes all changes in those other, directly-related provisions in order to avoid contradictions within the Constitution.
 6. A copy of the amendment will be printed on the back of the petition forms if possible, or if not possible, will be attached to the petition forms. The copy of the amendment will include text to be added, if applicable; text to be deleted, if applicable; and enough of the unamended text so that the signer can understand the drift of the amendment.
 7. A place for the printed name, signature, Tribal ID, and date of each Tribal member who signs the petition.
 8. A place for the name, Tribal enrollment number, physical address, and telephone number of the principal sponsor(s);
 9. A place for the name, Tribal enrollment number, physical address, and telephone number of the circulator of each petition page; and
 10. A statement to be signed by the circulator of each petition with a notary block certifying that the signatures on the petition were affixed on the dates shown and by the individuals whose names appear there, that to the best of the circulator's knowledge the signatories are eligible Voters, and that the signatures were collected in compliance with these rules.
- C. One amendment per petition. There will be one petition form prepared for each proposed amendment dealing with a single question.
- D. Decision on petition language. The Election Board shall notify the principal sponsor(s) of the petitions of the time and place of the meeting where Election Board will make decisions related to the form and content of the petitions.

Section 4. Amendment Petition Process.

- A. Notification of Principal Sponsor. The Election Board will notify the principal sponsor(s) when a petition has been prepared and is available for pick-up.
- B. Deadline for Initiative Petitions. The principal sponsor(s) of the petition shall have 140 calendar days from the date the Election Board notifies him or her that the petitions have been prepared to file completed petitions with the Election Board.
- C. List of Registered Voters. The Election Board will request a list from the Enrollment Department of current eligible Tribal Voters. On receiving the list, the Election Board shall determine the number of verified petition signatures that comprises 30% of Tribal Voters as required for the petition to be presented to the Tribal Council. The Election Board shall provide the principal sponsor with a copy of the list and the total number of required signatures if the principal sponsor requests it.

- D. Duties of Principal Sponsor. The principal sponsor(s) shall be responsible to oversee the proper circulation and the collection of signatures on the petitions, and to submit the completed petitions to the Election Board.
- E. Authorizing Circulators. The principal sponsor(s) shall submit a list of petition circulators to the Election Board before collecting any signatures. The Election Board will notify the Principal Sponsor(s) which of the circulators is an eligible Voter may circulate petitions and which of the circulators, if any, is not
- F. Petition Page. A circulator may circulate more than one petition page. However, there shall only be one circulator for each petition page.
- G. Petition pages. Signatures may only be collected on the petition forms prepared by the Election Board. A principal sponsor may make copies of the blank forms if needed.
- H. Rules for signing petitions.
 - 1. A Tribal member may sign a petition for a particular constitutional question only once during that particular petition drive.
 - 2. A Tribal member who signs a petition must fill out all the information requested on that portion of the petition form.
 - 3. Tribal member who cannot sign his or her own name to the petition for any reason may have his or her name signed by a person with a legal power of attorney or equivalent authorization. A copy of which must be attached.
 - 4. Any Tribal member who signs a petition must do so in the presence of the circulator.
 - 5. No signature may be obtained through fraud, deceit, or misrepresentation.
 - 6. A circulator may sign a petition.
 - 7. Certification. The circulator shall sign and date the certification statement on each petition page only after all signatures appearing on that petition page have been obtained. To aid in the acceptance of the petitions for purpose of calling the Secretarial Election, the circulator must sign the certification in the presence of a notary, and have the circulator's signature notarized, as required by the petition rules of the Bureau of Indian Affairs. Public information. All information on a petition shall be public and shall be available to any and all members of the Tribe. Each person signing a petition agrees to this information being public.
- I. Informed signing. Each Tribal member signing a petition is considered to know the purpose and reasons for the petition. No Tribal member may withdraw his or her signature from a petition after it is signed.
- J. Subsequent proceedings. The petition, or copies thereof, are not valid for any subsequent proceeding.

Section 5. Filing Completed Petition.

- A. Filing. A Principal Sponsor shall present the completed petitions to an Election Board representative in person. The Principal Sponsor shall fill out and sign a statement on a form provided by the Election Board giving the number of signatures collected on the petitions, and certifying that the signatures were collected in compliance with these rules

- B. Receipt. The Election Board representative will provide the Principal Sponsor with a copy of the petitions. The Election Board representative will note on the top of the petitions the date and time they were delivered; and the number of petition pages delivered. The copy of the petitions with these notations will serve as the principal sponsor's receipt.
- C. No Additions or Amendments. After completed petitions are delivered to the Election Board for a particular initiative drive, no additional signatures or petition pages may be submitted for that initiative drive. No other amendments or changes may be made to the petitions, either.

Section 6. Review of Signatures.

- A. Notice of Meeting to Review Petitions. The Election Board shall notify the principal sponsor(s) of the petitions of the time and place of the meeting where Election Board will review the petitions. The notice shall be sent no later than ten (10) business days before the meeting is to be held.
- B. Review of Petitions. Only properly-completed signatures of eligible Tribal Voters on properly-certified petition pages shall be counted toward the number of signatures necessary.
- C. Invalidation of Petition Page. A petition page shall be invalid where:
 - 1. The page is not from the form prepared by the Election Board;
 - 2. The form prepared by the Election Board has been altered in any material way;
 - 3. The circulator of the petition page was not an eligible Voter;
 - 4. The circulator statement is not signed, completed, and dated, or the date appears to have been materially altered after signing;
 - 5. Any other irregularity on a petition page that calls into question its truthfulness or accuracy.
- D. Invalidation of Petition Signatures. A signature on a petition page shall be invalid where:
 - 1. There is no printed name with the signature;
 - 2. There is no Tribal ID number with the signature;
 - 3. There is no Mailing address with the signature;
 - 4. The mailing address entered does not match the Mailing address on file with the Enrollment Department;
 - 5. There is no date with the signature, or the date is illegible or has been materially altered;
 - 6. The person signing the petition is not a Registered Voter of the Tribe;
 - 7. The date with the signature is later than the date on the circulator statement
 - 8. The signature is by another person on behalf of the Tribal member, and there is no power of attorney or equivalent authorization attached
- E. In the event a Tribal member's signature appears on a petition more than once, all but one of the multiple signatures shall be stricken as invalid.
- F. Individual signatures that are found to be invalid appearing on an otherwise valid petition page shall not invalidate any other valid signature found on the same valid petition page.

- G. A signature shall not qualify for the residence requirement, where the address is not in the required voting district.
- H. If a petition page is found to be invalid, then none of the signatures on that page shall be counted towards meeting the total number of signatures required.
- I. The Election Board shall note on the petition page, where the signature appears, or on a separate sheet, the invalidation of each signature on a petition.
- J. Motions. The Election Board shall invalidate petition signatures or petition pages only upon proper motion of the Board, which motion shall contain a notation of the reason for invalidation. Any decision to accept a signature or petition page questionable for any reason shall be made by proper motion of the Election Board.
- K. Final decision. The approved minutes of the meeting where the Election Board reviewed the petitions shall be considered the final decision of the Election Board on the validity of the petitions.
- L. Allegations of fraud. Credible allegations of fraud related to the petition circulating and signing processes shall be referred to the office of the Tribal Prosecutor.

Section 7. Notification of Secretary.

- A. Valid petition. To be valid, a petition must be signed by 30% of the eligible Voters of the Tribe, as verified by the Election Board. If the petitions are determined by motion of the Election Board to be valid, the Board shall present them to the Secretary or the Secretary's representative and request the calling of an Election on the proposed amendment(s) under 25 CFR §81.S(d) .
- B. Invalid petition. If the petitions are determined by motion of the Election Board to be invalid, the petition drive will be concluded. A petition declared invalid by the Election Board shall not be used in any later petition drive. However, nothing shall prevent the principal sponsor(s) of the petition drive from attempting another drive on the same question.
- C. Election Board Membership. The Election Board will notify the Superintendent of the Bureau of Indian Affairs Michigan Agency ("Superintendent") that the Election Board selects its own members to serve as the remaining members of the Election Board created by the Superintendent.
- D. Elections and all post- Election proceedings on proposed constitutional amendments shall be conducted by the Secretary, as prescribed by 25 CFR Part 81.